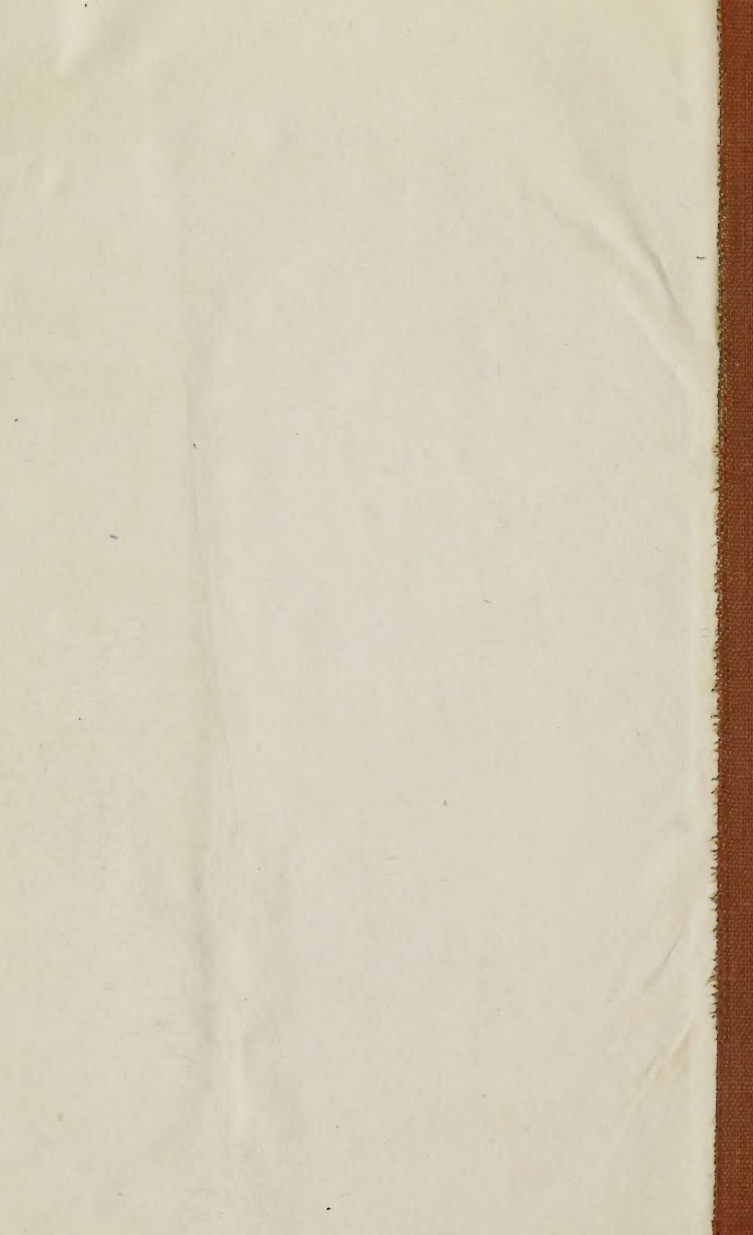
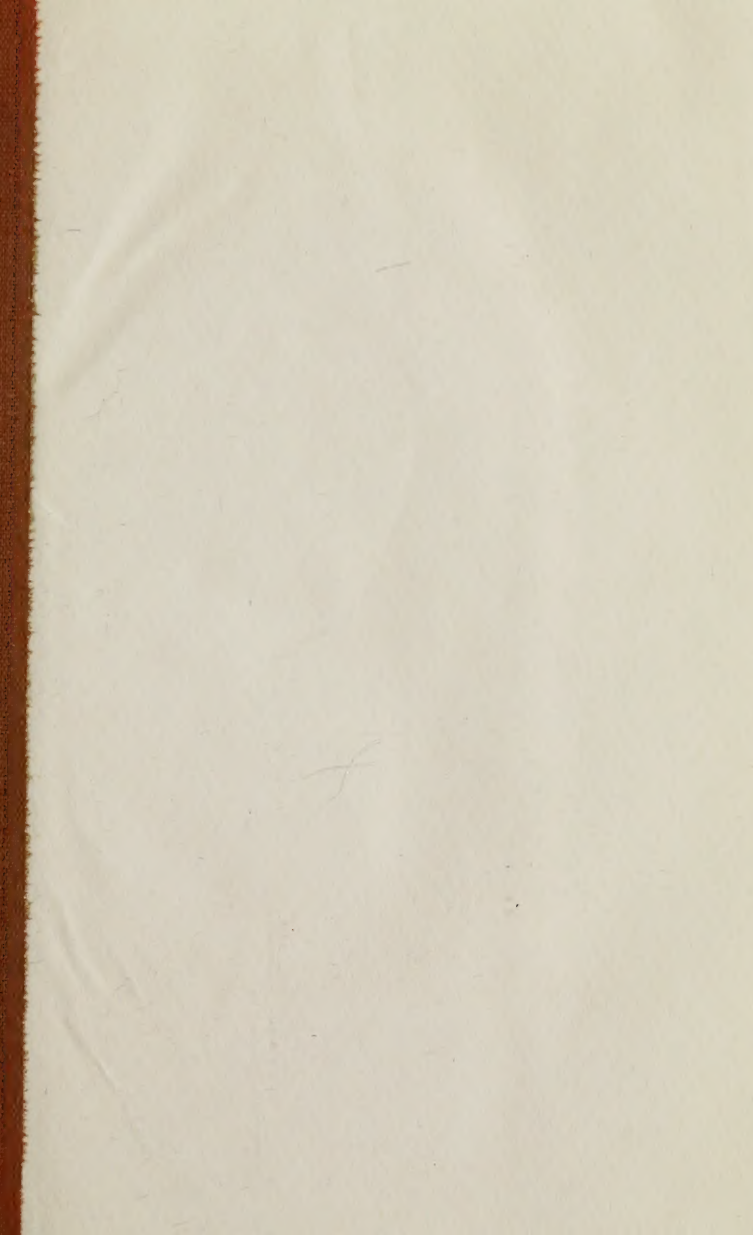





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# SPEECHES AND WRITINGS

OF

DR. SIR RASH BEHARI GHOSE.

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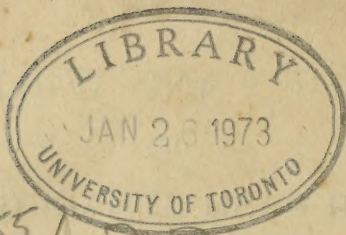
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## PREFACE TO THE FIRST EDITION/

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The publishers desire to convey their thanks to Dr. Sir Rash Behari Ghose for his kind permission to issue his speeches in this form. They include all his utterances in the Viceregal Council, his protest against the retrograde policy of Lord Curzon's Indian administration, the splendid address of welcome which he delivered as Chairman of the Reception Committee of the Indian National Congress at Calcutta and his two Presidential Addresses to the same body at Surat and Madras. The speeches he delivered in the Supreme Legislative Council evidence not only his great legal acumen, but also his thorough grasp of the Indian problem, political, social and economic. His criticisms of the Indian Financial Statements for 1894-95, and 1906-07 ; his emphatic protest against the exclusion of Cotton Fabrics from the operation of the Indian Tariff Bill of 1894; his vigorous condemnation of the Indian Emigration Act (1882), Amendment Bill of 1893 and his unqualified disapproval of the Seditious Meetings

Bill are reproduced here in full. Dr. Sir Rash Behari Ghose's name will long be remembered in connection with two useful private bills of his, which were accepted by the Government and became law. One of them is an amendment of the law relating to Partition in Hindu and Mahomedan families, and the other a useful help to judgment-debtors to buy back their properties from auction-purchasers within a reasonable time. Dr. Ghose's speeches at the time of the introduction and passing of these two most valuable additions to the civil law of the land are also printed in full.

At the desire of Dr. Ghose, all his Viceregal Council speeches have been reprinted from the *Gazette of India*.

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To make the collection complete and up-to-date, the speeches he delivered from time to time since the first edition was published have been included in this volume.

G. A. N.



**G. A. NATESAN & CO.,**  
**G. T., MADRAS.**

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# SIR RASH BEHARI GHOSE.

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## INTRODUCTORY.

Dr. Rash Behari Ghose, C.I.E., is one of the most distinguished men of our time. His ardent patriotism, his subtle intellect and his sturdy independence have combined to make him one of the greatest and truest leaders of Indian Society.

## EARLY LIFE.

Dr. Rash Behari Ghose was born in an obscure village, named Torekona, in the well-known district of Burdwan, in 1845. His father, Babu Juggobandhoo Ghose, held a respectable position in life and belonged to what is generally termed 'the middle class' in India. Being the eldest son of his father, he received all the educational facilities that his father could afford him. Young Ghose received his early schooling in the town of Bankura. From the High School of that place, he went up, at the age of sixteen, for the Entrance Examination of December, 1860. He passed it and was placed in the second division. There is no doubt that this was far below his deserts; at any rate his subsequent brilliant University career makes one think so. His failure to head the Entrance list was due, according to one version, to a circumstance that must be well within the experience of many a student all over India. The School to which he belonged, it is said, contained, in the year in which he applied, no student in the Entrance Class fit to be sten

up for the Examination. Young Ghose, whose intellectual pre-eminence had already made a great impression upon his teachers, was selected to fill up the gap and was accordingly sent up a year before his regular time, to represent his School at the Examination.

### HIS BRILLIANT STUDENT CAREER.

From Bankura, Ghose removed to Calcutta early in 1861 and there joined the Presidency College to prosecute his further studies. At that time, the Presidency College was under the control and guidance of Mr. T. Sutcliffe, one of the greatest educational officers that ever came out to India. Ghose applied himself hard to his studies and in the First Examination in Arts, in December, 1862, he topped the list of successful candidates. He shone brilliantly in the B.A. Degree Examination in January, 1865. Exactly a year after that, in January, 1866, he went up for and passed the M.A. Examination in English with first class honours, he being the first Indian to obtain that much-coveted degree. In the ensuing year, 1867, Ghose passed in the first class the B.L. Degree Examination and, as the best successful candidate for the year, he received a gold medal worth Rs. 100.

### HIS WIDE READING.

Strenuous as was his career as a student Ghose never appears to have thrown away a single hour that he could have profitably utilised in the acquisition of useful knowledge. The intervals between College lectures and public examinations, to which he paid the attention required of him, he devoted to the study of the immortal classics of the English



Language, which had already become his favourite study. His irrepressible love for poetry made him wander into foreign authors, though only in their English guises. He is quite familiar with Heine and Goethe. Shakespeare, which has delighted so many generations of Indians young and old, he almost knew by heart while yet at College. Down to this day, his language, whether in his public writings or speeches, is thoroughly saturated with Shakespearian idioms and expressions. Milton too appears to have attracted him in his earlier days. The Biblical ring of several of the phrases he most commonly uses, he appears to owe to these two great masters of English language. During this time too, young Ghose applied himself diligently to a thorough study of English, European and Indian histories. He is a thorough master of the writings of Maine and Pollock and is a great admirer of Mathew Arnold and Walter Bagehot. One thing that appears to have considerably helped him in the acquisition of so much knowledge that has stood him in great stead ever after in his life, was his wonderful memory. It is said that his memory is so tenacious and capacious that he hardly feels the necessity for traversing the same ground twice.

#### HIS COMMAND OF ENGLISH.

His style, now so well-known for its easy flow and biting sarcasm, was formed on the model of his favourite authors and during his College days attracted the attention of the Principal and Professors of the Presidency College at Calcutta. The *Englishman*, a Calcutta newspaper, thus described his great command of the English language :—

"Those that had occasion to come in close contact with the illustrious object of this sketch will bear ample testimony to the fact that Dr. Ghose's knowledge of the English language is equally profound. His speeches delivered either from his seat in the Legislative Council or from the Congress platform were always couched in the finest language and must find place side by side with the utterances of the best English scholars. His epoch-making book on the Law of Mortgages in India is written in a style which can safely be compared with the style of the best writers in the English language. In fact Dr. Rash Behari Ghose is both a scholar and a lawyer and decidedly heads the list of those men who have made any mark in speaking and writing the English language in the country."

#### FIRST YEARS AT THE BAR.

Mr. Ghose was enrolled as a Vakil of the High Court of Calcutta on the 5th February, 1867, when he was but 22 years of age. At that time, the appellate side of the Calcutta Bar was led by the great and good man equally eminent as an Advocate and as a Judge—the late lamented Justice Dwarkanath Mitter. Mr. Mitter was attracted to the young man, whose reputation as a distinguished student at the Presidency College had preceded his advent to the bar, and took a kindly interest in him. But Mr. Dwarkanath Mitter was not long after elevated to the Bench, which he was destined to adorn only for a very short time. His untimely death made India greatly the poorer and Rash Behari still worse. As has been the case with many others both since and before, the young lawyer left to himself without any adventitious aid to bring him to the front, had to wait patiently before success came to him at the bar. In fact he did not fare better during the first years of his professional career.

than scores of others who join the profession of law without his great qualifications. He had his struggles and moments of despair like most others but he never lost heart. He stuck tenaciously to his work and fought every inch of the ground in that uphill journey which brought him at last to the site of the promised land. He has a word of advice to give to young men during this, the most trying period in their professional career. He says in a passage which is distinctly autobiographical :—

“He knoweth not the law who knoweth not the reason of the law,” is a saying which the student should always bear in mind and you will pardon me if I venture to affirm what is now accepted almost as a truism, that a careful study of general principles as illustrated in different systems of law, will not be wholly useless to you, when you enter upon the practical duties of the profession. It may not be given to every one of us to attain high forensic skill, but depend upon it, the time given to a scientific study of law is never wholly thrown away : for legal practice is not a thing apart from legal science. I must, however, warn you that laborious days are not always crowned with riches or honour, for the race is not to the swift, nor the battle to the strong, and professional distinction may be won in more ways than many of you perhaps imagine. But a higher guerdon awaits those who pursue learning for its own sake : and I invite you to join that noble band to which so many are called and so few chosen ; for the dust of daily life tends to deaden those finer sentiments to which life should owe its savour. I do not by any means ask you to live in cloistered seclusion, detached from the world and all its pursuits, but do not be too eager in the chase for money, position or power. For, believe me, you cannot fall into the habit of prizing, low and gross ideals without suffering deterioration in your intellectual as well as moral fibre. Learn, therefore, betimes to labour and to wait ; and if you are ever tempted to join in the fierce hunt after the vulgar prizes of the world, remember that after all the successful man, as he is called, is not unfrequently,

A poor player

That struts and frets his hour upon the stage,  
And then is heard no more.

He advised his students to do what he had himself actually done while a junior at the bar. He applied himself laboriously to that "scientific study of the law" that he recommended to his students afterwards. Thus it was during this period that he laid up that store of legal knowledge that has ever commanded the admiration of both the bench and the bar for him. Though fortune smiled upon him somewhat late in his life as a professional man, yet when she did, his accumulated knowledge of law helped him in his material prosperity. He studied carefully and scientifically not only the Hindu and Mahomedan laws but also the laws of England and of other countries with an avidity that was truly remarkable for a young man of his age. He was, and is ever known to be fond of the comparative study of law, and what a vast amount of reading he has done to attain his object is apparent from his published work. His knowledge of case-law is profound and of the technicalities of English law he is a past master. After nearly four years of hard work, he presented himself, early in 1871, for the Honours in Law Examination of the Calcutta University. He passed it creditably the same year.

#### APPOINTED TAGORE LAW LECTURER.

Four years later (1875—1876) he was selected to deliver the Tagore Law Lectures. He chose for his subject *The Law of Mortgage in India*, a most complicated subject which he had studied with great care and diligence both as a practical lawyer and as a jurist. The



twelve lectures he then delivered were collected together, and republished by him for public use immediately after they were delivered in 1876. This is the "monumental work" known as *The Law of Mortgage in India*. The work has passed through three different editions and is well-known to legal practitioners all over India as a most scholarly and erudite work, deeply suggestive, and wonderfully searching. Throughout Mr. Ghose shows in it his profound knowledge of Roman, American and other foreign systems of jurisprudence. Often it is delightful to read how fond he is to trace up the doctrines of modern law to their origins in Roman usages and feudal ideas. He quotes Hindu texts of law now and again and comments upon them. His second lecture on "Hindu and Mahomedan Law of Mortgage" traces historically the development of the Law of Mortgage as worked out by these systems of Jurisprudence. He applies with great learning and judgment the comparative method of Maine to those systems of law. He agrees with those who maintain that the Hindu texts of law "although sometimes placed side by side, are of various antiquity,—a circumstance which," he adds, "must be carefully borne in mind by the student of Hindu law." "Whatever truth there may be," he again says, "in the reproach that the Hindus are an unprogressive race, even the most careless student of our law must admit that the charge must be received with considerable reservation. Hindu law is no doubt, archaic, but there are portions of it which furnish unmistakable evidence of maturity"—an opinion which has the strength of that not very friendly critic of India and the Indians, Sir Henry S. Maine. In regard both

to the matter and the manner of presenting it, the work will bear comparison with the best English and continental works on law. His diction is chaste, and his comments pointed, though not unfrequently caustic. For example, take the following paragraph :—

In Madras, however, the doctrine that registration is notice is treated as an American heresy, which must be carefully eschewed by all orthodox followers of the English Law. The learned Judges refuse to enter upon what they call the 'abstract question' of the expediency of the rule, though they admit that "much is to be said on both sides," a sentence which involuntarily reminds one of a well-known paper in the *Spectator*.

The quaint humour which here unsuspectingly comes in, characterises the man both as a writer and as a public speaker. The work has deservedly become a classic on the subject of mortgages in India and is referred to with great respect both by the bench and the bar all over India. Indeed, it may be said that there has not been decided in India any important question of mortgage in the adjudication of which Mr. Ghose's work has not been referred to with the respect that is due to it. Nor has there been any great case on mortgage in Bengal in which he has not been retained. He has, in fact, been recognised as a great authority, if not the greatest living authority now, on the Law of Mortgages in India. His lectures were originally written when the Law of Mortgages had not yet been codified in India and the demand for the book was so very great that the first edition was rapidly exhausted. Dr. Whitley Stokes, author of the well-known *Anglo-Indian Codes*, thus acknowledges, in a well-known passage, the help

be derived from Mr. Ghose's lectures when codifying the law relating to Mortgages in India :—

I take this opportunity to acknowledge the help obtained in drawing Chapter IV of the Transfer of Property Act from the work of another (he is referring to the able judgments of the Hindu Muthuswami Aiyar and the Mahomedan Sayyid Mahmud) acute and learned native lawyer, Rash Behari Ghose.

Knowing as we do the success of Indians both on the bench and at the bar, it is not surprising to see Dr. Stokes saying that "for the subtle races that produce such lawyers (and here he instances Mr. Ghose) no legal doctrine can be too refined, no legal machinery can be too elaborate."

#### JUDGE-MADE LAW IN INDIA.

Before leaving this part of the life of our illustrious countryman, we must refer to his mature views about the turn that legal usage takes under the guidance of Anglo-Indian Judges. In a remarkable passage in his great work, Mr. Ghose thus delivers himself :—

Apart from the inherent defects of all judge-made law in every country, there is special danger in India of our being gradually anglicised. The warning, I believe, was first given by Macaulay and has since been frequently respected by his successors. But some of our judges still seem to think that the rules of justice and good conscience, which are to be their guide, can only be found in the English Chancery Reports—'the well of equity undefiled.' Large masses of English law have consequently found their way into our system, a process of filtration which is still going on and which can only be arrested by codification.

#### SCIENTIFIC STUDY OF HINDU LAW.

The following two passages we quote to bear out what we have said above about Mr. Ghose's ideas on the scientific study of Law and, in particular, of the facilities that our mother-land affords for prosecuting it :—

If, therefore, we wish to study law as a science, we must begin with its earlier history comparing the form of a legal idea or usage at any given time with the earlier type out of which it grew together with the shape which it assumes in advanced jurisprudence. The study of legal history thus pursued can never, I repeat, be either dull or useless, and the writings of Sir Henry Maine and Sir Frederick Pollock have invested the subject with a charm which can be appreciated even by the most careless reader. In such delightful company the student need not painfully walk to the shrine with pass in his shoes and a hair shirt on his back—the fate of many generations of students whose pilgrim steps were guided only by dull digests and equally dry abridgments and to whom Coke's 'gladsome light of jurisprudence' must have seemed a light that never was on sea or land.

It is hardly necessary to point out that the legal antiquities ought to engage our special attention as India offers a rich and varied field for such enquiries. The harvest has long been ripening for the sickle, but as yet, to our reproach, the reapers are few in number, and that wealth of materials which should be our pride is now our disgrace. It seems we have yet to learn that institutions do not wear on their sleeve the secret of their origin which can only be won by patient research and laborious induction. Of speculation there is no end, but I fear we make too little use of the historic method, one of the choicest gifts which we have received from the West, where, some of you may be aware, it has created a wholesome ferment in modern thought, dangerous only to decaying belief and time-worn formulæ."

Surely, it cannot be said that Mr. Ghose minces matters when strong words have to be used against his own countrymen. That shows his inherent sincerity of purpose.

#### HIS SUCCESS AT THE BAR.

The publication of his Tagore Lectures roughly marks the commencement of Mr. Ghose's professional success. And, indeed, to a man of his great attainments, it cannot long be in the coming. About the year 1876.



the older leaders of the bar in Calcutta had either been translated to the bench or had, through growing infirmities of age, or death, been removed from the sphere of their activities. Young Ghose, who had by then made a name for himself by his scholarly work, at once attracted the notice of the litigant public and soon attained an eminence in the profession that was really marvellous. So rapid, indeed, was his success at the bar from about this time, that his professional work left him but little time for anything else.

Mr. Satya Chandra Mukerji, who knows him well, thus describes Mr. Ghose, the lawyer :—

"It goes without saying that for the last twenty years Dr. Rash Behari Ghose had been able to command his terms and had the pick of practice and clients. He is justly considered to be able to hold his own against such renowned leaders of the Calcutta bar as the late Sir Charles Paul, the late Sir Griffith Evans, Mr. Woodroffe or Mr. W.C. Bonnerjee and he has, therefore, enjoyed for many years a practice on the appellate side of the Calcutta High Court which has probably not fallen to the lot of any of his countrymen since the days of Dwarka Nath Mitter. It is a delight to hear an important argument of Dr. Rash Behari Ghose. He speaks in a chaste and scholarly style and he has his precedents, both English and Indian, at his finger's ends always ready for use. He is a very strenuous advocate when he is convinced in his own mind that he is in the right, but he is always eminently fair to his adversary and always candid in his relations to the bench. He likes to argue questions of law more than questions of fact, and although his arguments on issues of facts are very able, he is seen to his best advantage when putting his construction on some difficult, perhaps somewhat obscure, section of some Indian enactment and applying its provisions to the concrete facts then before the Court. His delivery and features are far from being perfect, but the substance of what he says is probably superior to that which any of his countrymen in the same profession is capable of saying on the same question."

It may be said without fear of contradiction that, with the possible exception of Sir V. Bhashyam Aiyangar, modern India has not given birth to a lawyer more profound than Mr. Ghose. And, indeed, there is at the present moment not a single individual in the whole country who, as Sir Harvey-Adamson, the father of the Sedition Act, was pleased to observe in the Viceregal Council, does not "bow to the learned doctor's superior knowledge of law."

#### FELLOW OF THE CALCUTTA UNIVERSITY.

Success at the bar brought Mr. Ghose both money and honour—sufficient even to satisfy a man of his ambition. In 1877, he was for the first time appointed an Examiner for the B. L. Degree Examination.

Two years later, in 1879, he was, on the proposal of Sir William Markby, the jurist, that great friend of India, then Vice-Chancellor of the Calcutta University, appointed a Fellow of his old University. That was the commencement of an active connection with that University which he yet maintains intact. In 1884, he received the Degree of Doctor of Laws from the same University, when Lord Ripon was its Chancellor. In 1887, he was elected a member of the University Syndicate, a position which he retained till 1899.

#### MEMBER OF COUNCIL.

In that year he was appointed to the Bengal Legislative Council. In 1891, he was selected by Lord Lansdowne to fill the vacancy in the Supreme Legislative Council caused by the deeply lamented death of Sir Romesh Chandra Mitter. His work during this short period of three years, as will be seen presently, was so

beneficial both to the Government and the people, that Lord Elgin, the successor of Lord Lansdowne, re-appointed him to the Council for another term of three years. In the same year (1893) Dr. Ghose was elected President of the Faculty of Law of his old *alma mater* and continued in that august position till 1895.

#### HIS WORK IN COUNCIL.

His work in the Imperial Legislative Council deserves detailed mention here inasmuch as it embodies the constructive work of our distinguished countryman in that assembly. It naturally divides itself into three parts: (1) Bills with which he was actively connected in the Committee Stage; (2) Bills which he was instrumental in introducing into Council and finally getting them passed; (3) interpellations in Council; and (4) Budget Speeches.

We take these *seriatim*.

It would be too tedious to mention the numerous Bills with which Dr. Ghose was connected when they were referred to the Select Committees appointed to thresh them out. Suffice it to say that from the moment he took his seat in the Supreme Legislative Council on the 15th January, 1892, to the day he ceased his connection with it by efflux of time, he was put into the Select Committees on almost every important measure that was brought before the Council for consideration. To name only a few, he was on the Select Committees appointed to report on the Indian Bankruptcy Bill in 1892; the Madras Small Causes Court Bill, 1892; the Court of Wards Act (1879) Amendment Bill, 1892; the Bengal Military Police Bill, 1892; the Inland Emigration Act (1882) Amendment

Bill, 1892; the Land Acquisition Act (1870) Amendment Bill, 1894, in the passing of which he subsequently evinced considerable interest; the Presidency Small Causes Court Act (1882) Amendment Bill, 1894; the Prisons Bill (1894); the Prisoners Act (1871) Amendment Bill; the Indian Stamp Act (1876) Amendment Bill (1894); and the Code of Criminal Procedure (1882) Amendment Bill (1894). In the consideration, in Committees, of these several Bills he was associated with men like Sir Philip Hutchins, Sir Antony McDonnell, Sir Alexander Miller, Sir William Lee-Warner, Sir John Woodburn, Mr. Chentsal Rao, Mr. Madhav Rao, Mr. Chitnavis and many other distinguished men, both Indian and Anglo-Indian.

#### THE INDIAN EMIGRATION BILL.

One of these bills, the Indian Emigration Bill, evoked considerable comment at the time both in and outside the Council. He strongly supported Mr. Chentsal Rao, when he moved an amendment raising the age limit to contract penally from 16 to 18, thus bringing the law in harmony with the ordinary civil law. The Council was abundantly convinced of the soundness of the reasoning adopted by him and his honorable friend, but the amendment had eventually to be withdrawn owing to a previously existing law in Assam which was believed to come into conflict with the present one, if the amendment were accepted. He himself moved an amendment for obtaining initial registration of coolies. He made, in proposing it, a long and vigorous speech, combating the theory of the Government that that amendment of his contravened

the principle of free emigration. The whole speech is a model of close and cool argumentation against the phalanx of official opinion that was against him.

### HIS TWO PRIVATE BILLS

In the years 1892 and 1893, Dr. Rash Behari Ghose introduced two Bills in the Supreme Legislative Council which, with the hearty approbation of both the official and non-official members of the Council, became law. The first of these was the Partition Bill which he begged leave to introduce into the Council on the 25th March, 1892, and which eventually became the Partition Act, No. IV of 1893, an Act that yet stands on the Indian Statute Book. This Bill sought to remove certain acknowledged evils in the then existing Law of Partition. Not infrequently perverse members of joint families endeavoured to obtain a division in specie of their ancestral property, which, in consequence, was practically ruined by them. Again not less often strangers got into possession of ancestral dwelling-houses by purchase from co-sharers and thus gave considerable trouble and annoyance to the other members of the family. Both these evils had taken an acute turn at about the time. Dr. Ghose moved for an amendment of the existing law, and he did this in a speech that is at once simple, forcible and to the purpose. After commenting upon the cumbrous procedure then existing in regard to partition of property, Dr. Ghose thus dilates for a moment on the very cautious character of his Bill:—

“In England, as I have already pointed out, the old procedure has been in a very large measure rendered obsolete by legislation. In this country, owing to the division and sub-division of landed



property which is constantly taking place under the Hindu and Muhammadan laws of inheritance, the evil from one point of view is undoubtedly much greater ; but the strong attachment of my countrymen to landed property, especially when it is ancestral, should make us extremely cautious in replacing in any particular case the usual remedy of an equal partition by a sale of the property and a division of the proceeds. Whether the sentiment which animates my countrymen is economically wise or not I need not pause here to discuss. I will only say that a man does not live by political economy alone. The Hudibrastic rule is not the measure of all things, and there are currents of thought and feeling deeper than any ever sounded by the economist's plummet. Speaking for myself, and as a Hindu, I am bound to say that I fully sympathise with the sentiment which attaches us to our landed possession and should be sorry to see it disappear. It is a healthy sentiment and furnishes one of the best securities for the maintenance of law and order. Moreover, as we all know, laws must be adapted to the habits of society when not manifestly injurious to others and should not aim at remoulding such usages or habits even when they are the result of blind prejudice. We cannot therefore proceed too warily, and accordingly the power with which it is proposed to invest the Court is given subject to very stringent conditions, and only to the extent necessary to meet an acknowledged evil. These conditions are (1) that the property cannot conveniently be divided ; (2) that it would be more beneficial for the parties that it should be sold : (3) that at least one-half the share-holders must concur in the sale. But, in order to prevent the possibility of a request for sale being made on inadequate grounds or from improper motives, provision is made for the compulsory transfer of their shares by the parties who desire a sale to the other share-holders at a valuation to be made by the Court. But, even when all these conditions exist, a large measure of discretion is left to the Court which, I trust, will never be crystallized into a cluster of rigid rules.

“ The result, therefore, is that, although the Court would be wholly unable to sell the property in the absence of any of the conditions imposed on the power, it may refuse to do so notwithstanding the existence of all these conditions if in the exercise of a

sound discretion it is of opinion that no sale should take place in any particular case. I venture to think that with these safeguards, the measure, while meeting an acknowledged evil, cannot fairly be charged with introducing any serious innovation, or with encroaching in any degree on the rights of persons holding property in common. The question is one really of procedure, and the present Bill will merely affect the mode of relief and nothing else. Indeed even under the present practice, when the Court gives compensation in money by way of equality of partition, it really makes a transfer of a part of the property, although the transaction is disguised under a slightly different name. The present Bill is only an extension of this practice to some very exceptional cases in which, in the absence of such a law, the common property might be destroyed or rendered comparatively valueless. I ought to add that it is a great satisfaction to me to find that the fathers of Hindu law who shaped out and elaborated our jurisprudence anticipated by several centuries the improvement only recently grafted on the old Chancery Practice in England.

That is enough to show what a cautious reformer Dr. Rash Behari Ghose is. An acknowledged evil must be removed; but, so far as is possible, without disturbing the good that may be inherent in the system which has given birth to it. The careful reader will see how anxious Dr. Ghose is to secure the hearty co-operation of his own countrymen in a matter affecting their own commonweal. He would convince them of the necessity of what he would fain do for them and, then, he would ask for their willing aid in carrying his proposal through. No true reformer of Hindu Society can fail to appreciate the worth of these wary steps of the cautious lawyer. He thus explained the other provision of the Bill:—

The only other section of the Bill to which it is necessary to call attention is section 4, which compels a stranger who has bought a share of a dwelling house belonging to an undivided

family to transfer it to the members of the family if they undertake to buy it upon a valuation to be made by the Court. To those who are familiar with the habits, usages and feelings of my countrymen, I need hardly say that the intrusion of a stranger into the family dwellinghouse is regarded as nothing short of a calamity. The mischief has been remedied to a certain extent by section 44, paragraph 2 of the Transfer of Property Act, an enactment which recognises—and if I may say so, very properly recognises—the truth of the poet's saying, not always perhaps borne in mind, that 'right too rigid hardens into wrong.' In conclusion, I will only say that, although it is somewhat rash to make any general assertions, I trust I may safely affirm that whatever hostile criticism may be levelled against the other parts of the Bill a provision which protects the family dwellinghouse from the intrusion of a stranger into any portion of it will be welcomed as a boon and a blessing by my countrymen of every creed and of every shade of opinion."

The motion that the Bill as amended be passed was put and carried.

#### THE BILL TO AID JUDGMENT-DEBTORS.

The Second Bill he carried through the Legislative Council was one intended to aid the unfortunate judgment-debtor who was, under the old law, compulsorily ousted from his immovable properties at the instance of his creditors. The principle of the remedy he proposed is the same as that embodied in section 174 of the Bengal Tenancy Act; in fact the Bill simply extended the principle of that Act to all judgment-debtors. The framers of that Act for the first time introduced a provision enabling a tenant to redeem his property by paying into Court within a certain period the amount of the judgment-debt, and in addition a sum equal to five per cent. of the purchase-money to be paid as a bonus to the purchaser.

"This provision," said Dr. Ghose, "seems to me a very equitable one, as the creditor gets his money and the purchaser a bonus of five per cent, on his purchase money."

He thus pleaded the cause of the judgment-debtor in general :—

"It is true we are sometimes told that the difficulties of a creditor, according to a famous saying of Sir Barnes Peacock, only begin after he has received his judgment. But I need hardly say that all judgment-debtors are not dishonest, and that some of them at least are more sinned against than sinning. Improvidence, it is true, is the badge of all their tribe, but there is a general impression, not perhaps wholly unfounded that they are not seldom made to pay too dearly for their want of foresight and business habits. I need hardly add that the compulsory sale of land for the payment of debts is not generally regarded with much favour by the people, and the way in which it is frequently carried out is certainly not likely to reconcile them to such sales. The moment the hammer falls and the property is knocked down to the highest bidder, the gates—I will not say of justice but of mercy—are shut on the unfortunate owner. He may not redeem the land at any price, although he can apply to set the sale aside under a provision in the Code which is to him what the straw in the proverb is to the drowning man and is about equally useful.

When the Report of the Select Committee came on for discussion in 1894, the late Sir (then Mr.) William Lee-Warner moved that the Bill as amended be republished and thus sought to hang up the Bill indefinitely. Dr. Ghose vigorously combated this motion in a speech that completely cut the ground under the feet of the Hon'ble mover. The Hon. Mr. Lee-Warner was forced to withdraw his amendment and Dr. Ghose's Bill became law.

Thus was passed the Code of Civil Procedure and Indian Limitation Act (1877) Amendment Bill. For it and for the Partition Act, his countrymen owe a deep debt of gratitude to Dr. Ghose. One word more must be added, before we conclude. The manner in which he introduced, piloted and carried out these two Bills, makes us think ill of the prejudice that prevents men like him from being appointed to the post of Legal Member of the Supreme Council in India.

#### THE INDIAN TARIFF BILL.

Another Bill in which Dr. Ghose took an active part was the Indian Tariff Bill. On the Select Committee's Report coming on for consideration on 10th March, 1894, it was found that the Bill excluded from the tariff the imports of cotton fabrics, yarns and thread. The Hon'ble Mr. Playfair, the Mercantile Member of Council, moved an amendment that the Bill be re-committed to the Select Committee, and in doing so referred to the prevalent feeling "that India's interests are being sacrificed to Lombard Street on the one hand and Manchester on the other." In supporting the amendment, Dr. Ghose entered a most vigorous protest against the criminal folly of the Government of India succumbing to the opposition of Manchester merchants. He said :—

I venture to think that the exclusion of the cotton duties from the Tariff Act would be not only a cruel wrong to the people of this country, but a grave scandal as well as a financial and political blunder, to which the famous saying of Talleyrand might well be applied. We are all aware how public opinion has condemned the proposed exclusion.



He concluded by saying :—

"My Lord, I have done ; but before I conclude I must say that the fair name of England for just dealing, which cannot, if I may say so, be too jealously guarded, is at stake. The spell which she has so long exercised over her subjects, a spell more potent even than the bayonet or the sword, which holds on loyal submission her vast empire 'broad-based upon the people's will'—is in danger of being broken. At such a moment as this we owe it to ourselves—we owe it to the country—we owe it to the Government under which we have the happiness to live—to give timely warning. Our warnings may be unheeded—our protests may be disregarded as 'a tale of little meaning' 'chanted by an ill-used race of men'; but we shall at least have the satisfaction of having done our duty—a most painful, but I need hardly add, under the circumstances, a most, imperative, duty."

SPEECH ON THE FINANCIAL STATEMENT : 1894-5.

He returned to the subject when he made his speech on the Financial Statement for 1894-1895. This statement confirmed, as he said, the worst misgivings felt by the public when cotton goods were excluded from the Tariff Act. He protested against the misappropriation of the Famine Insurance Fund to the purposes of a general administration. He also touched on the iniquity of paying exchange compensation allowances when retrenchment everywhere was the order of the day.

HIS INTERPELLATIONS IN COUNCIL.

On important occasions, Dr. Ghose used the right of interpellation and always, it must be said, with good effect. Most of his questions curiously enough relate to the year 1894. One string of them, on what was known as the Relliadban Murder Case (*Emprees v. Sagal Semba and others*), is still remembered by many in Bengal. In that case all the

prisoners were acquitted by Prinsep and Amir Ali, JJ., who strongly commented on the conduct of the Police, the trying Magistrates and the Sessions Judge. Dr. Ghose pointed out the inexpediency of Government appointing inexperienced officers to positions and investing them with powers involving grave responsibilities. Sir Antony MacDonnell, in replying, said that the Government of India would consider "in what manner it is possible to obviate the employment of junior and inexperienced officers in positions of difficulty and responsibility." Another question that he put was on the interpretation of the word "object" in section 295 of the Indian Penal Code. This section says:—

Whoever destroys, damages or defiles any place of worship or any object held sacred by any class of persons with the intention of thereby insulting the religion of any class of persons, or with the knowledge that any class of persons is likely to consider such destruction, damage or defilement as an insult to their religion commits an offence.

The Punjab High Court held in (*Hakim v. Empress*, Punjab Record, 1884, No. 27) that the word "object" as used in this section is not limited to inanimate objects but is wide enough to include animate objects which are held sacred as well as idols, relics or the like. This was dissented from in a Full Bench Case of the Allahabad High Court (reported at p. 150 of I. L. R. 10 Allahabad) which held that the word "object" does not include animate objects. In this case, the slaughtering of a cow, which is held sacred by Hindus, was held to be not an offence within the meaning of this section. Having regard to the importance of the issue raised, Dr. Ghose wanted

Government to clear up the conflict of decisions by legislation.

Other questions that he put included the subjects of increase of land assessments in Assam, Assam riots, etc.

#### FEMALE EDUCATION.

Two public acts of Dr. Ghose relate to this period of his life and may be briefly touched upon here. In 1888, when his connection with the University of Calcutta was very strong, he evinced his deep interest in female education by founding a medal in his revered mother's name. On 4th December, 1888, he made over to the University two Government Promissory Notes of 4 p. c. loan of 1865 to the value of Rs. 2,500 in memory of his mother Srimati Padmavati on certain conditions. One of these is that the medal is to be presented every year at the annual convocation for conferring degrees to a lady candidate for the degree of Bachelor of Arts, who, being a native of Bengal, is admitted to that degree, and when there are more than one so admitted, to the graduate who obtains the highest number of marks. The first to obtain the medal in 1890, was Miss Sarala Ghosal, the well-known lady-patriot of Bengal, and daughter of that sturdy Congressman Mr. Ghosal.

#### THE AGE OF CONSENT BILL.

The other public act of his has reference to the Age of Consent Bill (known in legal terminology as the Indian Penal Code and Code of Criminal Procedure, 1882, Amendment Bill).\*

This Bill was introduced into the Supreme Legislative Council by Sir Andrew Scoble on 9th January, 1891.

It raised the age of consent, both for married and unmarried women, from ten to twelve years. The Bill was fiercely criticised in Bengal. It was opposed in Council by Sir Romesh Chunder Mitter, then member of the Viceroy's Council, among other grounds, on the one that it contravened the religious practices of Hindus in Bengal.

The Report of the Select Committee was considered in the Council on 19th March, 1891, when it was eventually passed. Sir Andrew Scoble pressed the view that the *garbhadana* ceremony was "not universally observed in Bengal or generally in other parts of India and that its observance may be postponed on various secular grounds." The President (His Excellency Lord Lansdowne) was also of the same opinion and in support quoted the opinions of several leaders of public opinion in India and amongst them referred to that of Dr. Rash Behari Ghose's. He said :—

Look at the outspoken utterances of such men as..... Dr. Rash Behari Ghose, the eminent pleader, who has stated that within his knowledge, the *garbhadana* ceremony is admittedly not observed in many respectable Hindu families and is not unfrequently more honoured in the breach than in the observance.....To them and to many more who have raised their voice in support of the measure I desire to offer a public acknowledgment of service which they have rendered.

The excellent work in the Supreme Legislative Council, as may be expected, was much appreciated by the Government. His habitual sobriety of thought and expression, moderation of views and winning manners won for him the regard and esteem of his colleagues in Council. He was elected, in 1893, President of the Faculty of Law of the Calcutta University, a dignity to



which he was re-elected in 1895. In 1896, just at the conclusion of his work on the Council, he was made a C. I. E.

#### AN INTERREGNUM OF QUIET LIFE.

During the next eight years (1896 to 1904) we know of Dr. Ghose only from the Law Reports. But he utilised the opportunity he had got by passing through the Press entirely re-written editions of his old Lectures on the Law of Mortgage in India. The last edition was published in 1902. He lost his venerable old father of eighty in the next year.

Up to this time, Dr. Ghose, though he lost no opportunity in advancing the cause of his countrymen, was what may be termed an Independent in politics. He was neither a member of the Indian National Congress, nor a blind supporter of the Government. "The first thing that I have to say about myself," he said on a memorable occasion in 1904, "is that I cannot claim to be a hero of a hundred platforms or even of one, nor am I a habitual reviler of authority. I can also solemnly affirm that I have never taken any part in the debates of the Indian National Congress." In that year, Lord Curzon delivered that philippic against Indians known as the Calcutta University Convocation Address. Of the many accidental good effects that it was the cause of, one certainly was the issuing forth of our illustrious countryman from his secluded study. He opened what is really his second phase of public activities by that now classical speech on the general reactionary administration of Lord Curzon, the brilliant but

tactless and ill-fated Viceroy. We do not think that any useful service would be served by quoting any passages from it here. It cannot and ought not to be retailed. This speech must be read as a whole. It is chaste, brilliant, and well-balanced in thought and word. It possesses that Attic grace and lightness that Lord Curzon's speeches so greatly lack. In the whole range of polemical literature that has cropped up in India during the past quarter of a century and more, we do not think that there is one that can come up to its simplicity, sobriety and virility. There is absolutely no rhetoric in it and its home thrusts must have rent the heart, of him who was the cause of it. The following three sentences taken from it show, as in a mirror, the limitations of Lord Curzon, limitations which must have made his Lordship think twice before he threw the stone at a whole nation, whom he described as the dumb millions whenever the occasion required it.

The truth is, Lord Curzon believes whatever he desires and is never troubled with any misgivings. His Lordship also seems to think that he has got to use a homely phrase, a clean slate and that whatever is, is wrong. Now energy and a zeal for reform are no doubt excellent things in their way but an excess of either is not regarded as a virtue in a statesman.

The great speech was hailed with joy from one end of the country to the other, as much for its masterliness as for its open declaration that its author was not unmindful of his country's cause at the hour of need. The scholar once again had to transform himself into an active politician. But this time he was no more an independent in politics. His heart was with his people; and the was though he did not actually identify himself with

them until then, from the beginning essentially a man of the people. So, by common consent, he became, at the next Calcutta Session of the Indian National Congress, the Chairman of the Reception Committee. The speech he delivered then is an eloquent survey of the Indian political field and is in every way worthy of its august author.

### THE PARTITION OF BENGAL.

It is in some respects the complement of the speech on the Curzon Regime. In that great effort of his, he warned Lord Curzon against the "ruthless dismemberment" of Bengal. But his Lordship heeded not the warning of men even like Dr. Ghose, who are not given to habitual reviling of the powers that be. And what has been the result? The history of India during the past years is the plain answer. The Partition of Bengal was one of the political blunders that had all the elements of a crime inherent in it. Says Dr. Ghose in his serene, sober and piquant style:—

The notification of the 16th of October 1905 was the parting gift of Lord Curzon to Bengal, a Province for which he always dissembled his love. Now, I do not mean to impute unworthy motives to the author of the dismemberment of our Province, but he must be a bold man who should say that the separation of East Bengal is not likely to interfere with the collective power of the Bengalees or the growth of our national spirit. He must also be a bold man who should say that it is not a menace to the ascendancy of Calcutta, the centre of political and intellectual activity in this part of the country. He must again be a bold man who should say that the Mahomedan population in the new Province may not be used as tools by artful and unscrupulous persons to keep in check the growing strength of the educated community; for religious animosities may be easily kindled among an illiterate people, though not so easily subdued. \* \*

We have been parted from those who are bound to us by the ties of blood, of race, of language and of country and bound, too, by the ties of common aspirations; and the wound which has been thus inflicted on us refuses to heal. The sentiments of the people have been trampled under foot by an autocratic Viceroy; and we owe it not only to ourselves but also to you, our countrymen, to give public expression to our feelings. For behind this deliberate outrage upon public sentiment and closely connected with it, there is a very much larger issue affecting the good government of the country. That issue is nothing more, nothing less than this. Is India to be governed autocratically without any regard to the sentiments and opinions of the people, who must be made to know their proper place as an inferior subject race, or on those enlightened principles which are professed by our rulers? The question of Partition looked at from this point of view involves a trial of strength between the people and the bureaucracy, and in that trial, I am sure, we shall have not merely the good wishes but also the active support and sympathy of all our countrymen; and never, never were we in greater need of that support and sympathy than at the present moment.

### THE SWADESHI MOVEMENT.

Of the Swadeshi Movement, Dr. Ghose says in his speech :

The Swadeshi movement is only a prelude to our determination to enter into the great brotherhood of the trading nations of the West, without, if possible, the eternal struggle between capital and labour, into which Japan has already been admitted. \* \* \*

In Swadeshim you see the cradle of a new India. To speak of such a movement as disloyal is a lie and a calumny. We love England with all her faults, but we love India more. If this is disloyalty we are, I am proud to say, disloyal. But is there a single Englishman who really thinks in his heart that the material progress of the country will loosen the ties which bind us to England? On the contrary, would it not, by relieving the economical drain on India, bind the two countries closer together?



## ENGLAND'S MISSION IN INDIA.

Dr. Ghose firmly believes that England has a mission to fulfil in India. He says :—

I can never believe that England will ever retrace her steps or forget her duty to India, where she came not as a conqueror ; those who speak of the conquest of India by a mere handful of Englishmen cannot have read history, which does not record any authentic miracles, where she came not, I repeat, as a conqueror, but as a deliverer with the ready acquiescence of the people, to 'heal and to settle,' to substitute order and good government for disorder and anarchy, to fit stone to stone again, and restore that edifice which has been slowly, and painfully built up by the wisest and best of Indian sovereigns. That task has now been accomplished, white-winged peace now broods over the whole land ; and it only remains for England now to fit us gradually for that autonomy which she has granted to her colonies. Then and not till then will the mission of England in India be accomplished and the glorious dream of Akbar realised—a dream which did not, I am sure, issue from the gate of ivory. Then and not till then will the bar-sinister be removed,—that badge of inferiority and subjection which must chafe and gall men who have been nourished on the glorious literature of England,—that literature which, as the founder of English education in India justly boasted, had taught France the principles of liberty, and which must carry with it wherever it spreads a love of British virtues and of British freedom.

His Excellency Lord Minto nominated Dr. Ghose to a seat on the Supreme Legislative Council. His profound knowledge of Civil Law was utilised by the Government in the revision of the Code of Civil Procedure. It is needless to point out that Dr. Ghose's work in the Select Committee is one that will long be remembered. His idea of taking this opportunity to remedy the existing disorganised state of the law relating to religious endowments in this country has a great deal

to commend in it. The presence of Dr. Ghose in the Council was a happy coincidence. He had spoken his mind openly in the Council; once, during the debate on the financial statement for 1907-08 and again on the occasion of the passing of the Seditious Meetings Act.

### HIS BUDGET SPEECH FOR 1907—08.

In his budget speech, Dr. Ghose appeals in pathetic terms on behalf of our starving countrymen.

What the country wants is a net work of schools for primary as well as secondary education; and above all the very highest kind of technical education; for the industrial development of the country with its vast resources, is the problem of problems of the present day. We know how difficult it is to build up an industry without protection. But to ask for protection for our nascent industries would be to cry for the moon. We cannot regulate our tariffs; we can only suggest and implore. And this is the real secret of the strength of the Swadeshi movement. We know that the industrial supremacy of England was first established under a policy of strict protection which had such a disastrous effect on our own industries. We know, too, how Germany and the United States have prospered under a similar policy. The Government of India have expressed their sympathy with the Swadeshi movement. If they cannot show their sympathy by abolishing the excise duties on our cotton manufactures, let them show it by endowing a central polytechnic college on the model, I will not say of the institutions which have been established in the United States or in European countries, but on those which have been established in Japan.

### HIS SPEECH ON THE SEDITIOUS MEETINGS BILL.

His speech on the Seditious Meetings Bill is cast on a loftier plane even, in some respects, than his speech on the Curzon regime. It is more than a closely argued protest against that obnoxious measure; it is an indictment

of the Government's policy itself and an elegant but none the less forcible, reply to Lord Morley's speech at Arbroath. Take the following passage from it for example :—

My Lord, I began by saying that this Bill is an indictment of the whole nation. If, however, it is true, and this can be the only justification of the measure, that India is growing more and more disloyal, this Bill is really an indictment of the Administration. The positions will then be reversed. The Government, and not the people will then be put on their defence. There is no escape from this dilemma. If there is no general disaffection, you do not want this drastic measure. The prairie cannot be set on fire in the absence of inflammable materials to fuel it. If, on the other hand, a spirit of disloyalty is really abroad it must be based on some substantial grievance which will not be redressed by coercion acts. You may stifle the complaints of the people, but beware of that dreary and ominous silence which is not peace, but the reverse of peace. Even immunity from public seditious meetings may be purchased too dearly.

Or, take this again, to which 'His Excellency Lord Minto himself replied when he wound up the debate:—

It is said that we are intoxicated with 'the new wine of freedom, that Locke and Milton, Fox and Burke, Bright and Macaulay have unsettled our minds. But those who say so take no account of the Time-Spirit against which even the Olympian gods must fight in vain. I trust I am no dreamer of dreams, but I see that what is passing before us is a social and political evolution. You may guide it, but you cannot arrest it, any more than you can make to-day like yesterday. Silent and as yet half conscious forces are at work, which a wise statesman would harness to law and order by timely concessions. But a reactionary policy would only make the last state of the country worse than the first; for angry passions, which under milder measures would have died away would stiffen into deep and lasting hatred; and the infection is sure to spread with time.

## THE SURAT FIASCO.

For all these manifold services his countrymen have not been wanting in appreciation. He was elected President of the twenty-third session of the Indian National Congress at Surat in December, 1907. The story of that ill-fated session is still fresh in the memory of every Indian who remembers the fiasco with feelings of humiliation and remorse for the thoughtless rowdyism of a handful of "impatient idealists." Dr. Ghose began modestly :—

For the position which I am occupying so unworthily is full of anxiety and was never more so than at the present juncture when heavy clouds have floated into the political sky; and in standing before you to-day, I feel as if I was summoned to drive the chariot of the Sun; and if I am spared the fate of Phaeton, I shall owe my good fortune only to your forbearance and indulgent kindness on which I am confident I can safely rely. I can rely, too, with confidence on your willing co-operation: for are we not all animated by one common purpose and do we not know that co-operation is the very life of concerted action which can never thrive in an atmosphere of continuous strife and difference?

But he was mistaken; and no more allowed to proceed with the address. The storm was over whelming and the rest of the story needs no repeating. The undelivered address is a brilliant survey of the country's situation in all its aspects, justifies the demands of the Congress, throws out a mild challenge to Lord Morley to vindicate his conduct with reference to the deportation and the Press prosecutions and contains a masterly appeal to the extremist party. By threats, by entreaties, by satiric rebukes, he tries to win them to his side.

I confess I see no reason why we should not still be able to work in harmony. A house divided against itself cannot stand, and we must be on our guard against the deadly peril of disunion, the race may not always be to the swift nor the battle to the strong, but depend upon it, without patient discipline and self-control, without courage and determination, without a sense of loyalty, of order and of duty, our enterprise is bound to fail. The citadel of the bureaucracy is much stronger than the walls of Jericho. Brother delegates, the night is dark and tempestuous. Let us hold together and wait in patience for the dawn, not resting till the bright morning comes, fearless in our faith and strong in our hopes. But this I am painfully compelled to say, that unless wiser counsels prevail, there is bound to be a cleavage when we must part company and the Congress left free to follow the path of constitutional agitation marked out by its founders,—the only path which promises a successful issue.

And again,

Do not, I beseech you, play the game of our enemies but be staunch to the Congress as ever and abide by the principles, and follow the chart laid down by its founders. Do you believe that we do not feel as strongly as you do the unjust disabilities under which we labour? Do you believe that we do not feel as strongly as you do our exclusion from our legitimate share in the administration of the country? Do you believe that we do not feel as strongly as you do the annual drain which is impoverishing the country? Do you believe that we do not feel as strongly as you do the burden of the military expenditure which arrests all progress and but for which the country would have been covered with a network of schools, with free primary education within the reach of the masses? Do you believe that we are not as determined as you are to work out our political emancipation?

The whole composition is scholarly and is couched in a clear, limpid style rich in classical allusions. The following passage is typical of his manner and is thoroughly characteristic of his genius.



You all know the story of the city with the three gates with their inscriptions ; the first said " Be bold," the second " Be bold and ever more be bold," while the third and the last inscription which the horseman read was " Be not too bold." You forget that rashness is not courage. You forget that hasty maxims drawn from the history of other nations and other times are extremely dangerous as the conditions are never the same, and action which produces a certain result in one country at one time may lead to a directly opposite result in another country and at another time. You forget that there is no doctrine so universal and comprehensive that you are bound to act upon it at all hazards. You forget, it may be a cynical remark, but it is perfectly true that though a martyr may be worshipped for his sufferings and his sacrifices, he is not always counted among the wisest of men and his example is more frequently admired than followed.

#### THE MADRAS CONGRESS.

But all this was of no avail. They persisted and tried to wreck the Congress. The Surat fiasco was over. But the moderates all the country over wished Dr. Ghose to preside again at the next session at Madras. The Madras Congress was a success. The split was certainly deplored but to reconcile the irreconcilables was a hopeless task. Instead of those mild rebukes and entreaties in which he had indulged during the previous session Dr. Ghose spoke with a freedom and boldness which was expected of him at a critical juncture.

The fears which for months haunted the minds of some of us have proved groundless. The genial predictions of our enemies so confidently made have also been falsified. For the Indian National Congress is not dead (*Loud applause*) nor has Surat been its grave. It has been more than once doomed to death but rely upon it, it bears a charmed life and is fated not to die, (*Loud applause.*) Is it true a few men have left us, but the Congress is as vigorous as ever, (*Hear, hear.*) We have now closed up our ranks and

though some of us clung convulsively to the hope that those who have deliberately committed political suicide would still continue to fight the good fight and keep the faith they soon found out their mistake. There can be no reconciliation with the irreconcilable.

With all the trouble of the opposition at home and abroad Dr. Ghose never lost heart. His optimism was justified. The reform scheme came into force and he quoted with enthusiasm the words of the poet :

The clouds you so much dread  
Are big with mercy and shall break  
In blessings on your head.

The second address was equally comprehensive. The events of the year had crowded together and the country had a new lease of life. He touched on all the current topics with a master-hand and concluded his address with an eloquent plea for a lofty national ideal.

The wisdom of confining ourselves only to aims which are immediately capable of being realised is not true wisdom, for I believe with Lord Acton, the most philosophic of historians, that the pursuit of a remote and ideal object arrests the imagination by its splendour and captivates the reason by its simplicity, and thus calls forth energy which would not be inspired by a rational, possible end, confined to what is reasonable, practicable and just. But we are not impracticable reformers, for we know that there is a time and season for everything and that all questions are not for all times, I repeat, we cherish no illusions. We know that the way is long and hard, we know the danger of taking even a single unwary step, but we are determined to make the road easier for those who will follow us in ever-increasing numbers. Man goes forth unto his work and to his labour until the evening. But the evening comes before his work or task is done, but others will take up the work which is left unfinished.

### HIS PRACTICAL INTEREST IN TECHNICAL EDUCATION.

Dr. Ghose is not content with merely asking boons from the Government in the matter of technical education. He is thoroughly convinced that the future of India lies entirely in the development of our industrial resources. He was largely instrumental in the starting of the well-known Match Factory near Calcutta. He is a regular supporter of the Bengal Technical Institute founded by Sir T. Palit, to which he made a handsome donation of Rs. 5,000. Following the splendid instance of Sir T. Palit he gave away the princely sum of ten lakhs of rupees to the Calcutta University for the promotion of scientific and technical education.

He has been one of the strongest supporters of the Association for the Advancement of Scientific and Industrial Education. But he is at the same time a staunch believer in the imparting of a sound general education to our youths. His interest in the National College and the Hindu University movement is too well-known to demand special mention. To the latter he gave a donation of Rs. 5,000 and his personal interest in the cause of University Education is an asset of no inconsiderable value to the movement itself. He is a member of the Senate and of the Faculty of Law of the University of Calcutta which awarded him the well merited title of L. L. D., while some time later the Government recognised his munificence by bestowing on him the distinction of a Knighthood.

### ADDRESS TO KAYASTHA CONFERENCE.

In December, 1910, Dr. Ghose was requested by the members of the Kayastha community to preside over

their conference at Allahabad. He gave an inspiring address and exhorted them in the following words :—

To the rising generation of Kayasthas I would say :—Let progress be your watch word—progress in every direction. Learn everything useful that the West can teach you. But beware of a blind imitation of occidental civilisation which, if I may venture to say so, seems almost to be doomed if it fails to organise a new social and spiritual discipline. If India wants to take her proper place in the civilised world she must strive to live her own life and be true to her own culture and traditions. Provincial and sectional differences must cease and we must regard every part of India as our home and our native land. Communal feelings in so far as they are antagonistic to nationhood ought to have no place in the civil functions of life. You cannot elevate the Kayasthas without at the same time elevating the other castes and communities of India. Social reform is, as we all know, slow of foot. And you must not lose heart if our progress does not appear to you to be as rapid as you wish.

#### ON GOKHALE.

Dr. Ghose had great admiration for Mr. Gokhale whose death was a stunning blow to the country. The latter had the highest respect for the learned scholar and more than once gave public expression to his esteem. Presiding over the memorial meeting at the Calcutta Town Hall on the 2nd March, 1915, Dr. Ghose said of his lamented friend :—

He died like a soldier at his post, trying even in his last moments to do useful work. An ideal leader, he never gave to his own Province what was meant for the whole country and we in Bengal, in particular, should cherish his memory with affection and reverence. For he was a strenuous fighter and we shall always remember with deep gratitude the bold stand made by him against the partition of our Province. Nor shall we ever forget his touching farewell to us at the last meeting of the Imperial Council in Calcutta. This is not the place to dwell on the private

grief of his friends, the agony of personal bereavement at the loss of one whom we loved so well and with whom we loved so well and with whom we have striven and worked for years. I will only say in the words of the poet :

His memory long will live alone  
In all our hearts, as mournful light  
That broods above the fallen sun  
And dwells in heaven half the night.

#### PRESENTATION OF ADDRESS.

In February, 1917, the Calcutta Vikils' Association very appropriately presented an address to Sir Rash Behari on the occasion of his completing fifty years' practice at the Calcutta High Court. Sir Rash Behari joined the High Court on the 5th February, 1867, and has enjoyed a very lucrative practice at the bar for more than a quarter of a century. It is only too well known how singularly devoted he has been to Law and how generously he has devoted his earnings to the service of Science for the benefit of the country. The occasion of the jubilee was also taken advantage of by the Calcutta University to present another address on its behalf.

#### NATIONAL EDUCATION.

Sir Ghose is an ardent advocate of National Education. Though he gave his princely donations to the Calcutta University he warmly supported the movement for National Education. He sent the following message to Mrs. Besant on the opening of the National Education week festivities at the Gokhale Hall, Madras, on April 8, 1918:—

I feel satisfied that the Government system of education does not and cannot fulfil all our needs and it is necessary to supplement it by providing technical, scientific, commercial and agricultural education which our society is seeking to do. More than



that : if general education in its several stages, primary, secondary and collegiate is to achieve all that is expected of it, it ought to be carried on National lines and under National control. This is what the National Council of Education has been seeking to do and this is also aimed at by the Society for the Promotion of National Education.

### HIS SECLUDED LIFE.

Like most scholars, Dr. Ghose delights to live the secluded life of a student buried in his books. Consequently but little is known of his domestic life. He lives all alone in his grand house in Theatre Road, Calcutta. He married twice but never had any issue and he has now been a widower for a good many years' past. As may be expected he is a man with strong family affections and is known to have helped generously his kith and kin. He goes to bed very late and so is never off his bed before nine in the morning. Though now nearing seventy, he is yet hale and hearty, and devotes some hours yet, apart from professional work, for reading literature. Of a robust frame, he stands a great deal of hard work for his age.

### CONCLUSION.

He has travelled as widely as he has read. He has visited England, France, Italy, not to speak of Ceylon and other countries nearer home. He is a Hindu of the reformed type but is against showing it in any unpalatable form. He appears in his national dress in public and is generally a cautious reformer in social matters.

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Since the above was in the press we have learnt with deep regret that Dr. Sir Rash Behari Ghose breathed his last on Monday, the 28th February, Sir Rash Behari was over seventy-five at the time of his death and though for some months past he was not able to take an active part in current affairs, he was seldom indifferent, even in his retirement, to the course of events that are leading up to the new era in India. His entry into the Council of State even in his advanced age was but an indication of his increasing interest in public life. For a man of his retiring disposition and scholarly habits to enter the arena of public life at a time when most men would prefer the peace of a well earned rest was a mark of the hopes he entertained of the future of the Reforms that have just come into force. A distinguished jurist and scholar with a long record of public service behind him Sir Rash Behari was hailed as a fitting acquisition to the gilded chamber. His ripe experience, his independence of mind and his mature judgment would have been of invaluable advantage to a revising body like the Council of State. But Sir Rash Behari will, above all, be remembered for his princely benefactions to the cause of education and as the champion of national liberty against the repressive laws that have disfigured our statute book.

*March, 1921.*

## PART I. CONGRESS SPEECHES

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### WELCOME ADDRESS TO THE CALCUTTA CONGRESS

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*[The following is the Address delivered as Chairman of the Reception Committee of the Twenty-second Indian National Congress held at Calcutta, 1906:—]*

Brother Delegates and Countrymen,—As chairman of the Reception Committee, it is my privilege to welcome you to Calcutta, a city which in many ways presents a strong contrast to Benares, where you assembled last year—that 'sweet city of dreaming spires' plunged in thought and passionately yearning for a higher and truer life than can be found in the things of this world, its pomps, its vanities and its cares. The city of Job Charnock is not, I admit, classic ground. It does not stir our pulses as Benares does,—so rich in historic associations and so lovely even in her desolation. And yet Calcutta is by no means an unfit place for the meeting of the National Congress; for the life and motion, and the many-sided activity you see all around you, are typical of the new order that has been called into existence by the play and interaction of Eastern and Western ideals which, without killing our deep spiritual life,—that precious heritage of every child of the East—have inspired us with a sense of

social duty incompatible with a life of cloistered seclusion and pale asceticism. And this sense of social duty that has brought together from all parts of India, no longer a mere geographical expression, a band of self-denying men representing the intelligence, the culture and the public spirit of the Motherland, fired with the noblest and purest purposes, resolved to do their duty to their country and confident in her destiny. They know that for good or for ill they stand face to face with a new world and must adapt themselves to the environment. They know that the problems which now meet them cannot be solved by piety and philosophy alone, and that under the new conditions which have arisen, political and social action is essential to their progress as citizens of the British Empire. Calcutta, therefore, is, I repeat, not an unfit place for the discussion of the new problems which have arisen. Indeed, in some ways this city, with its ceaseless roar and whirl, is a fitter place than Benares, whose true strength lies not in action but in thought.

The committee, of which I have the honour to be the chairman, consists of representatives of all sections of the community, including several Mahomedan gentlemen of light and leading, who, like the late Mr. Tyabjee, the foremost man among his community in our generation whose loss is still fresh upon us, believe that their duty to their country is not inconsistent with loyalty to England, I mean true loyalty—the loyalty of the dial to the sun, and not protected loyalty in plush, which proclaims itself from the housetops and whenever any person in authority speak is ready to shout, “It is the voice of a god and not of a

man." With the exception of some Nawabs and Khan Bahadurs in the Eastern Province, who are now weeping like the poor Queen of Carthage of Sir Joseph Fuller, you will find on the Reception Committee almost all the most prominent men of Bengal, Behar and Orissa ; Maharajahs and Rajahs, representatives of ancient houses, elected members of Legislative Councils, of Municipalities and Local and District Boards, Professors and Schoolmasters, Merchants and Traders, Doctors, Journalists and Lawyers, are all to be found on its rolls.

But you will miss two men whose names have been associated with the Congress from the very beginning. Woomesh Chander Bonnerjee and Anund Mohan Bose have been recently lost to us, and we are yet in the fullness of our grief. They fought side by side in the service of their country to which they had dedicated their lives, and in death were not divided. Woomesh Chander Bonnerjee stood by the cradle of the National Congress which he nurtured with parental solicitude and affection. That Congress, which may be said in no small measure to owe its very existence to him, comes of age to-day ; but our beloved leader, so wise and valiant, is not with us to partake in our rejoicings. His ashes rest in a foreign land, but a nation's sorrow followed him across the seas to his last resting place in England, the country which, next to his own, he loved best.

In the death of Anund Mohan Bose, every one felt as if he had lost a personal friend ; for he was of an eminently winning disposition, distinguished not less by his amiability than by the purity of his life. To deep spiritual fervour, he joined a lofty patriotism, working 'as



ever in the great Task Master's eye'. Indeed, in Anund Mohan Bose patriotism grew to the height of a religion. And it was this happy union of the religious and civic elements in his character that sustained him when, with life fast ebbing away and with the valley of the shadow of death almost in sight, he poured out his soul in that memorable swan song of the 16th October, 1905, when a whole people plunged in gloom assembled together in solemn protest against the ruthless dismemberment of their country. "If," says Cicero, 'to his country a man gives, all he becomes entitled to what all money cannot buy,—the eternal love of his fellow-men.' This is the exceeding great reward of every true patriot, and no one can question Anund Mohan's title to it. His death stirred Calcutta to its depths; and in that vast throng, which followed the bier in long and solemn procession, every eye was not with tears, every face was clouded with the shadow of a deep sorrow.

Our friends have been taken away from us before their work was done. But if the soldier who dies in a forlorn hope has not lived in vain, depend upon it, the lives of Woomesh Chander Bonnerjee and Anund Mohan Bose cannot have been wasted as autumn leaves. True, their seats on the platform are vacant, true they can no longer guide our counsels or plead the cause of their country or defend it by tongue and by pen through good report and through evil report. But they have left behind them a lesson which shall not die and an example for all time to inspire and encourage their countrymen—an example which ought to sustain and comfort us, when as now, we are compassed round by dangers and by dark-

ness. Is it an idle fancy, or do I really see our departed friends revisiting the scenes of their earthly labours and watching over our deliberations? No, it is not an idle fancy. Booth Woomesh Chander Bonnerjee and Anund Mohan Bose are with us to-day.—our guardian angels and patron saints whom we may reverence and even worship without offence, for such homage and worship, it is no paradox to say, are an ennobling and not a degrading superstition.

Brother Delegates, I spoke just now of dangers and of darkness, and the tale of our afflictions is a long one. We have been tried by desolating floods and by famine in the very heart of the granary of the province, a famine in which numbers have died of hunger and slow starvation. Prosperity budgets could not keep them alive nor blue-books on the material and moral progress of India nourish them. They died, men, women and children, without a murmur on their pale lips, and their bones are now whitening the plains of East Bengal together, I believe, with copies of Lord Lytton's Famine Commission Report. But even these visitations pale before the political perils by which we are threatened. For we are truly fallen on evil days and on evil tongues; and Bengal at the present moment is a land of many sorrows, in which we have been sustained and consoled only by the sympathy of our countrymen.

Our trials commenced with the partition of Bengal, that ill-starred measure of that most brilliant Viceroy who had nothing but gibes and sneers for our aspirations and prayers, and who found India comparatively contented and left it fermenting with unrest. The notification

of the 16th of October 1905 was the parting gift of Lord Curzon to Bengal, a province for which he always dissembled his love. Now, I do not mean to impute unworthy motives to the author of the dismemberment of our province, but he must be a bold man who should say that the separation of East Bengal is not likely to interfere with the collective power of the Bengalees or the growth of our national spirit. He must be a bold man who should say that it is not a menace to the ascendancy of Calcutta, the centre of political and intellectual activity in this part of the country. He must again be a bold man who should say that the Mahomedan population in the new province may not be used as tools by artful and unscrupulous persons to keep back the growing strength of the educated community ; for religious animosities may be easily kindled among an illiterate people, though not so easily subdued. A division on the basis of territory and population was tried, as we all know, by the French Revolutionary Government with the best of intentions, but with the most fatal results to the people. They reduced men to lose counters merely for the sake of simple telling and not to figures whose power is to arise from their place on the table. By a geometrical distribution and arithmetical arrangement, these pretended citizens, says Burke, treated France exactly like a conquered country. Acting as conquerors, they imitated the policy of the harshest of that harsh race who condemn a subdued people and insult their feelings. The policy of such barbarians has ever been, as much as in them lay, to destroy all vestiges of the ancient country in polity, in laws, and in manners, and to lay low everything which had lifted its head above the level, or

which could serve to combine or rally, in their distress, the disbanded people under the standard of old opinion. In a word, they destroyed the bonds of their union, under colour of providing for administrative efficiency. These sentiments may be foolishness to a bureaucracy, 'mere tailors of business who cut the clothes but do not find the body,' and who think that administrative efficiency can only be secured by the 'augmentation of official business, official power and official members.' But this is not the opinion of the author of the most appreciative life of Burke in our day.

I do not, however, wish to detain you with the case against the partition of Bengal; for nobody, except possibly G.C.I.E's would now care to defend it. But many of you are probably not aware that the public had no opportunity whatever of discussing the scheme which was finally settled, and which fell in our midst like a bolt from the empyrean heights of Simla. Now, we may be, as our friends take care to remind us with perhaps needless iteration, hereditary bondsmen with whom the war-like races in India should have no fellowship; but I must confess, though our friends may not believe it, that we do not like to be treated as so many black beetles even by a brilliant Viceroy. But I am perhaps too hard upon Lord Curzon, who probably meant only to surprise us with this touching proof of his interest in our welfare. His lordship, as we all know, had a horror of playing to the gallery and loved to do good by stealth, and I have no doubt blushed when he found it fame in Printing House Square. But even his best friends now admit that it was a great pity his lordship did not rest on his

laurels when he had solved his twelve problems—a highly suggestive number; but I daresay this was a mere coincidence.

We have been told on high authority that the partition of Bengal is a settled fact, but Mr. Morley keeps an open mind, and we refuse to believe that the last word has been said or that the subject will never be re-opened.\* In the meantime, we cannot allow the question to sleep. Unfinished questions, it has been well said, have no pity for the repose of nations. We have been parted from those who are bound to us by the ties of blood, of race, of language and of country, and bound, too, by the ties of common aspirations; and the wound which has been thus inflicted on us refuses to heal. The sentiments of the people have been trampled under foot by an autocratic Viceroy; and we owe it not only to ourselves but also to you, our countrymen, to give public expression to our feeling. For behind this deliberate outrage upon public sentiment, and closely connected with it there is a very much larger issue affecting the good government of the country. That issue is nothing more, nothing less than this: Is India to be governed autocratically without any regard to the sentiments and opinions of the people, who must be made to know their proper place as an inferior subject race, or on those enlightened principles which are professed by our rulers? The question of Partition looked at from this point of view involves a trial of strength between the people and the bureaucracy and in that trial, I am sure, we shall have not merely the good wishes but also the active support and sympathy of all

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\* It was upset in December, 1911.



our countrymen ; and never, never were we in greater need of that support and sympathy than at the present moment.

Mr. Morley has told us that if new facts are placed before him he will re-consider his decision. Do not the numerous anti-partition meetings, over 250 in number, which were held in Bengal on the 16th of October last, in which nearly a million of people, Hindus and Mahomedans took part, show that the ferment created by the measure is not dying out, and is not this a fact which speaks for itself ? These demonstrations were not, they could not have been, the work of pestilent agitators, or of the intellectuals, whatever G.C.I.E's may affect to believe. Many of these meetings were presided over by Mahomedan gentlemen of rank and influence, and the great gathering in the Federation Ground in Calcutta had for its chairman my learned and accomplished friend, Moulvi Mahomed Yusuf Khan Bahadur, the president of the Mahomedan Central Association. When there is such a deep-rooted and widespread sentiment, although it may not be based on reason only two courses are possible, coercion or concession. There is no middle course, no halting place, and who can deny that the path of concession is also the path of true wisdom and true statesmanship. The religious animosities again which have been sedulously fostered in East Bengal since the Partition, when the Mahomedans came to appreciate the benevolent intentions of Sir Joseph Fuller, are among the bitter first fruits of that measure, to which also it is impossible for Mr. Morley to shut his eyes or close his heart. I am not a statesman, or a G.C.I.E writing

anonymously to the English Press ; but I can easily foresee how the agitation will gain in volume and strength when the people of East Bengal find themselves living under a different administration and a different system of laws, enforced, too, by men who would gladly exchange places with their more fortunate brethren in the older province. Is, then, the partition of Bengal a settled fact ? By all the hopes within us, we say no.' And this is our settled conviction.

We know the difficulties by which Mr. Morley is surrounded, but we know also that sympathy is the keynote of his policy ; and the statesman who pacified Ireland may be safely trusted yet to pacify Bengal by placing the Bengali-speaking districts under one and the same administration. In Mr. Morley, the philosopher and statesman, the scholar and historian, we have a politician who knows the season when to take occasion by the hand and who will, I am confident, by timely concessions, unite in closer bonds England and her great dependency in the East. Some of my countrymen, I know, think that in relation to Indian affairs the Liberal is almost as illiberal as the Tory, and they may possibly be right. But of Mr. Morley it cannot be certainly said that he has given to party or class what was meant for mankind. To him the sun-dried bureaucrat is only a bureaucrat and not the very incarnation of wisdom. Nor does he believe in the infallibility of the man on the spot ; for his is not one of those minds which are fed by mere phrases.

The partition of Bengal was followed by Russian methods of government with this difference : the officials who devised them were Englishmen, while the Russian official is at least the countryman of those whom he

governs or misgoverns. The singing of national songs and even the cry of *Bande Mataram* were forbidden under severe penalties. This ordinance was fittingly succeeded by the prosecution of schoolboys, the quartering of military and punitive police, the prohibition and forcible dispersion of public meetings, and these high-handed proceedings attained their crown and completion at Barisal, when the Provincial Conference was dispersed by the Police, who broke the peace in order, I imagine, to keep the peace. Now, though we are a thoroughly loyal people, and our loyalty is not to be easily shaken, because it is founded on a more solid basis than mere sentiment, I have no hesitation in saying that we should be less than men if we could forget the tragedy of that day, the memory of which will always fill us with shame and humiliation. And this reminds me that it was not a cowardice, whatever Mr. MacLeod may think, that prevented our young men from retaliating.\* It was their respect for law and order—their loyalty to their much reviled leaders that kept them in check.

All this has now happily been put an end to. But as soon as the clouds began to lift, those Anglo-Indians, who are obliged to live in this land of regrets merely from a high sense of duty, were seized with the fear that their monopoly of philanthropic work might be interrupted, and immediately commenced a campaign of slander and misrepresentation, which, in virulence and mendacity, has never been equalled. I.C.S's in masks and editors of

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\* This gentleman spoke disparagingly of the Bengalees, indulging in the usual taunts at the St. Andrew's dinner, in Calcutta, on 30th November, 1906.

Anglo-Indian newspapers forthwith began to warn the English people that we were thoroughly disloyal ; ferretting out sedition with an ingenuity which would have done no discredit to the professors of Laputa. Cato tells us that the Roman augurs could not look in one another's face without a smile and I have a shrewd suspicion that the editors and their masked correspondents who joined in this hunt must have exchanged significant glances "across the walnuts and the wine." One Calcutta paper discovered Golden Bengal, and told its startled readers that our province was honeycombed with secret societies. It seems, however, that with the retirement of that redoubtable knight, Sir Joseph Fuller, things took a more serious turn ; for we then flung all secrecy aside and openly anointed and crowned Babu Surendranath Bannerjee, whom I suppose I must no longer call my friend but my liege lord, as our king. A floral crown, it was said, might be a harmless thing, but there must have been sedition in the folds of the umbrella, and this silly story appropriately invented in the silly season, which heightened our gaiety in Calcutta, seems actually to have frightened hysterical old women in England, including some retired Anglo-Indians whose nerves, I fear, have been shattered by an immoderate use of the taxed salt of India. Where so many distinguished themselves, it might be invidious to mention the name of any particular individual ; but I cannot help thinking that our special acknowledgments are due to Dr. Grierson, the great Oriental scholar,—reputations, like fortunes, are very easily made by foreigners in India, who, with that charity which thinketh no evil, hastened to inform the English press that *Bande Mataram* is an invocation to

*Kali*, the goddess of destruction—a goddess, by the way, whose altar will never be deserted as long as the pseudo-imperialism of our day, which means nothing more or nothing less than the culture of blood-thirst, lasts among the sons of men.

The Swadeshi movement seems also to have given great offence to a certain section of the Anglo-Indian community. They have, they say, every sympathy with true Swadeshi, but none with the pseudo-Swadeshim of Bengal. Now I confess that, though a lawyer of some standing, not, perhaps, altogether inapt to find distinctions without any difference, I have never been able to discover the line which separates true from false Swadeshi ; though we all know the difference between true and false sympathy. It seems that if you call the movement a boycott of foreign goods, you are a traitor to England. But competition with Manchester is not yet treason in the Indian Statute-Book. It is true the movement received an impetus from the Partition of Bengal, when we wanted to draw the attention of England to what we regarded as nothing less than vivisection, the crowning act in a reactionary policy steadily pursued for nearly seven years. But what reasonable man can doubt that the real strength of the Swadeshi movement is to be found in our natural desire to nurse our own industries which the Government of India, with their free-trade principles, are unable to protect by building up a tariff wall ? Mere boycotting, we know, will not do us any good. It will not bring happiness or wealth to us, or save our hungry masses from what Mr. Bryan calls the peace of the grave. This can only be done by improving the economical condition of the country so rich in resources of all kinds, by the creation and diffusion



of domestic industries and by the investment of local capital in industrial arts in which India was pre-eminent at one time, but which have now almost all been killed by Western competition.

The Swadeshi movement is only a prelude to our determination to enter into the great brotherhood of the trading nations of the West, without, if possible, the eternal struggle between capital and labour, into which Japan has already been admitted. And if you want to know what progress we have made, come with me to the exhibition on the other side of the street, and I will show you what this movement, the implication of which with politics is a mere accident in Bengal, from which many of us would gladly dissociate it, has already done for us. A visit to it, I am sure, will fill the heart of every one of you with hope and gladness; for in Swadeshism you see the cradle of a new India. To speak of such a movement as disloyal is a lie and a calumny. We love England with all her faults, but we love India more. If this is disloyalty we are, I am proud to say, disloyal. But is there a single Englishman who really thinks in his heart that the material progress of the country will loosen the ties which bind us to England? On the contrary, would it not, by relieving the economical drain on India, bind the two countries closer together?

Swadeshism, I need not remind you, is not a new cult. It counted among its votaries almost all thoughtful men long before the division of Bengal; and found expression in the Industrial and Agricultural Exhibition held under the auspices of the National Congress in Calcutta in 1901. It does not, I repeat, mean hostility

to anything and everything that is British, but merely the awakening of an industrial life. The Swadeshi movement has been the principal motive power in the industrial development of the country, and I would remind those who say that Bengal can only talk, that in the course of the present year more than ten lakhs of rupees have been given by Bengalees for the encouragement of technical education. Our young men are now taking in large numbers to industrial pursuits, and are qualifying themselves for their different callings in the national institutions which have been recently opened in Calcutta; but the most promising feature in the movement is that it has brought the masses and the educated classes together, as it promises to the artisan and the labourer some mitigation of the chronic poverty in which they are now steeped.

And here I must interrupt myself for a moment to point out that the generous assistance which has been rendered to us by Government in organizing our Exhibition shows their friendliness to the Swadeshi movement. This action of Government, I am sure will tend to draw closer the ties which should bind them and the people together; and their co-operation, which has been of the greatest help to us, ought to give food for reflection to those who revile Government in season and out of season. It would perhaps be idle to endeavour to convince men who brood only on the old commercial jealousy of England, which did not a little to kill Irish and Indian industries. But I may be permitted to point out that they forget that in those days a ruling race did not regard itself as subject to the restraints which now

govern its relations with a subject race. It is true the ethical code of Plato is not yet the code of the statesman, but it is now generally acknowledged that to impoverish a subject race is not only unwise but morally wrong.

Is it unnecessary to tell any sane man that we have no idea of driving the English into the sea by our speeches and writings. I am aware that some irresponsible and impulsive journalists and platform speakers have been occasionally betrayed into the use of intemperate language. But is there no excuse for them? We have been called yelping jackals, wolves and chattering *bunderlog*; and even the Viceroy has been described as a nincompoop, and the Secretary of State a dummy, because they would not reduce us to the position of 'whipped curs.' What is still worse, even worse than 'yelping jackals' 'chattering *bunderlog*' 'and whipped curs' we have been the butt of a Scotchman's wit. Again, one paper, which shall be nameless, spoke of the 'organised scoundrelism' of Eastern Bengal and threatened us with the gallows and the sword, to be used as remorselessly as in the dark days of the mutiny, for 'the tiger spirit' of the editor, it seems, had been roused. It is true he spoke of the tiger spirit of the English; but natural history does not furnish any instance in which a lion has degenerated into a tiger in India, although such a transformation is not, perhaps, absolutely impossible. There was not one to speak the fitting word, the word in due season, to soothe our bruised hearts.

It would, however, be idle to deny, and I do not pretend to deny, that a bitter and angry feeling is growing up in the country; but I deny that there is any

sedition or disloyalty ; though I am confident that if Lord Curzon's bigamous lieutenant had been allowed to work his will in the Eastern Province, the ferment created by the Partition would have reached a critical point.\* It would be idle to deny, and I do not pretend to deny that the reactionary policy pursued by the late Viceroy has left behind it a burning sense of helplessness and humiliation, and has driven some of my countrymen, as yet small in numbers, almost mad with indignation. They are, generally speaking, impulsive young men, of whom I would say nothing harsher than that they seem to me to love their country not wisely but too well. But to charge them with open or covert disloyalty is to forget that mere academic discussion is not sedition nor pious opinions a crime. I say pious opinions, because no man out of Bedlam and very few even inside it regard such discussions as falling within the range of practical politics, and the notion that we want the English to clear out immediately bag and baggage is too absurd for any credulity, but the credulity of those whose conscience had made them cowards. Our critics should also remember that nations, like individuals, sometimes lose their heads, and that the Partition of Bengal is one of those maddening wrongs under which it is not always possible for the unhappy sufferers to show prudence and moderation. These qualities should rather be shown by those who have driven a law-abiding people to the very verge of madness. Even

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\*Sir Joseph Fuller used to speak in his own inimitable way of the Hindu and Mahomedan as his wives, the Mahomedan being the favourite wife.

the Bengalee cannot be expected always "to hope all things, to believe all things and to endure all things" "But those who have used to cramp liberty," as the author of the Drapier's Letters points out, "have gone so far as to resent even the liberty of complaining; although a man upon the rack was never known to be refused the liberty of roaring as loud as he thought fit."

The men of whom I am speaking have lost all confidence in the good faith of Government and have persuaded themselves that England means to treat India as a mere pawn in her military and diplomatic enterprises, a close preserve for the classes; and a happy hunting ground for the white adventurer. They have persuaded themselves that our rulers wish to exclude us for all time from all the higher offices and from any real share in the administration of the country. They have persuaded themselves that it is idle to expect any concessions from our rulers. Look, they say, at Ireland look at your own country, and you will be sick and weary of all the hollow words which have been uttered and all the hollow promises which have been made; for is not the Queen's Proclamation associated only with frustrated hopes and unredeemed pledges? In a word, they have persuaded themselves that our rulers wish to keep us in a state of perpetual tutelage. For my part, I decline to believe any thing of the kind. But I ask, is there no excuse for the pessimism of those misguided young men whose hearts are sick with hope deferred? Might they not cite in their defence not the irresponsible criticisms of 'failed' lieutenant-governors or of American and French travellers, but the responsible utterances of statesmen like the late Lord Salisbury and of Viceroys like the late Lord Lytton?



Mind, I am not going to defend these persons, but only endeavouring to account for their bitter attitude towards a government which, whatever may be its errors or shortcomings, has conferred untold blessings on the country.

Many things are possible. One thing, however, is to me inconceivable. I can never believe that England will ever retrace her steps or forgets her duty to India, where she came not as a conqueror; those who speak of the conquest of India by a mere handful of Englishmen cannot have read history which does not record any authentic miracles; where she came, I repeat, not as a conqueror but as a deliverer with the ready acquiescence of people, to 'heal and to settle,' to substitute order and good government for disorder and anarchy, to fit 'stone to stone again,' and restore that edifice which had been slowly and painfully built up by the wisest and best of Indian sovereigns. That task has now been accomplished, whitewinged peace now broods over the whole land; and it only remains for England to fit us gradually for that autonomy which she has granted to her colonies. Then and not till then will the mission of England in India be accomplished, and the glorious dream of Akbar realised. Then and not till then will the bar-sinister be removed—that badge of inferiority and subjection which must chafe and gall men who have been nourished on the glorious literature of England—that literature which, as the founder of English education in India justly boasted, had taught France the principles of liberty and which must carry with it wherever it spreads a love of British virtues and of British freedom.

Great is the destiny of England, but equally great are her responsibilities involving a sacred trust ; but I am confident that the august mother of free nations, the friend of struggling nationalities and of emancipation all over the world, will rise to the height of her duty. Shall Christian England fall below pagan Rome who, in her best days, conquered only to extend the privileges of citizenship to her subjects investing them with equal rights and equal laws, equally administered ? The Romans were not inspired with the mere lust of conquest or exploitation, nor did they seek empire for new markets for their wares. They were fired by a nobler ideal ; and they had their reward in the gratitude of their contented subjects, which was as a robe and diadem to the Mistress of the World. To England more has been given and of her more will be required. And depend upon it she will not disappoint you, for the people to whom the fortunes of our country have been entrusted are generous if somewhat impassive. And they should not certainly be judged by those Anglo-Indians who regard India as an oyster to be opened with the sword and to whom the Queen's Proclamation is *anathema maranatha* and the National Congress a Frankenstein. Such men I have no hesitation in saying are false to their King and their country. But take my word for it, their hostility to the children of the soil, though it may for a time infect the classes in England, will not deceive the great democracy which is fast rising into power.

But you must have patience. You must learn to wait, and everything will come to you in time. Remember the long and arduous struggle in England before the Catholics were emancipated or the Test Acts were repeal-

ed. Remember the great fight which Cobden had to fight for the repeal of the Corn Laws. Remember the public agitation and the ferment before the first Reform Act was passed. Remember, too, how very slowly the Irish church fell and the long-continued agitation before the Irish land laws were reformed, and when you hear the English described as a nation of shop-keepers, do not forget that they spent 20 millions to emancipate the slave. Our difficulties are very much greater, for we have not only to face class prejudices, but also the prejudices so hard to die, of race, of religion, and of colour, for we are unhappily in every sense aliens. But do not be discouraged, do not despair. There is not the least cause for despondency. Have confidence in yourselves and also in the good faith of England : and do not, I pray you, be led away by the passions of the moment; and when you are met by calumnies and lies, console yourselves with the reflection that the just claims of the great body of the English people have been similarly met by the party of privilege and supremacy and a subservient Press.

Remember that in Mr. Morley we have a most sympathetic Secretary of State and in Lord Minto an equally sympathetic Viceroy; imbued, if I may say so without impertinence, with a strong sense of justice, who, though he may possibly think that some of our aspirations are premature, will not, I am certain, sneer them down or treat them with contempt which cuts deeper than the surgeon's knife or the sword. We have also friends in England who are devoted to our cause. But perhaps the most hopeful sign is the increased interest which the English public at home are taking in the affairs

of this country. The appointment again of Mr. Morrison to the India Council marks a new departure which is full of promise, and foreshadows the doom of bureaucracy in India ; for the new member is free from the narrowness and excessive self-esteem which are the notes of the bureaucrat, who is under the delusion "that the elaborate machinery of which he forms a part and from which he derives his dignity is a grand and achieved result and not a mere working and changeable instrument" and whose overweening conceit cannot be cured even by the King of Babylon's famous treatment which was so successful with the satrap Iraz. Mr. Morley is now engaged in digging the grave of bureaucracy: and we can almost hear the thud of the spade and the music, yes, the music of the knell. Brother-Delegates, be of good cheer, for, lo! the winter is almost past, the rain is over and gone, and the flowers begin to appear on the earth.

But if the present situation in India calls for the exercise of statesmanship of the highest order, it also calls for the exercise of great moderation on our part. And we are all glad to welcome Mr. Dadabhai Naoroji, that tried friend of India, as President of the 22nd Session of the Indian National Congress. Though he has already considerably exceeded the years allotted to man, he accepted our invitation with an alacrity which ought to be a lesson to us all. Age has not withered, the dust of daily life has not choked the courage, energy, enthusiasm, high purpose and self-devotion which have throughout characterised our Grand Old Man. I see many in this assembly distinguished by their zeal and devotion, not less than by their ripe wisdom and experience, faithful patriots who have been

working for their country with hearts that never failed and courage that never faltered, fighting amid obloquy and sneers, and not unfrequently under the frowns of men in authority. But it is no disparagement to those gentlemen to say that there is not one among them who has a greater, a longer, or a more brilliant record than Dadabhai Naoroji. Words are too weak to express our debt to the man who in his eighty-second year has ventured on a long voyage to give us at a critical time the benefit of his wise counsel without the hope of any reward other than the consolation which will cheer him in the evening of his days; that to the very last he was faithful to his country and to the National Congress. And if it is true that the sunset of life gives us mystic lore, we shall learn from his lips the future destiny of the country he loves so well and for which he has at our invitation risked every thing, ease, health, nay, life itself. He will tell us not to despair, but to confide in the honesty and good faith of England. He will tell us that a great Empire and mean thinking go ill together, and that the pinchbeck imperialists who think that Kipling is greater than Shakespeare or Milton and who can explain away the Queen's Proclamation do not represent either the best intelligence or the conscience of England. I say pinchbeck imperialists, for imperialism in its best and truest sense does not mean privilege and supremacy but good government and equal rights. It was the spirit which inspired Chatham when he pleaded for the better government of India and Ireland. It was this spirit which sustained Burke in that famous trial which has made his name familiar as household words in India. It was this imperial spirit which inspired Palmerston



when he thrilled the heart of England with the proud boast that as the Roman in the days of old held himself free from indignity when he could say *Civis Romanus Sum*, so also a British subject in whatever land he may be shall feel confident that the watchful eye and the strong arm of England will protect him against injustice and wrong. It was this spirit which inspired Gladstone in our day when he sought to redress the wrongs of Ireland. It was this spirit which inspired Bright when he pleaded for the better government of India. But the pinchbeck imperialism which is fast going out of fashion in England is made up of barbarous ambitions, passions and sentiments wholly alien to the culture and civilization of the twentieth century. To them brummagem Imperialists I would say, "Do not misread the signs of the times; do not be deluded by theories of racial inferiority." The choice lies before you between a contented people proud to be the citizens of the greatest empire the world has ever seen and another Ireland in the East, or, I am uttering no idle threat, I am not speaking at random, for I know some thing of the present temper of the rising generation in Bengal—perhaps another Russia. To my mind—but Mr. Mac Leod, who, I believe, is not a countryman of Oliver Cromwell, will say it is impossible for a Bengalee to think imperially—to my mind the choice is not difficult to make, and I am confident every true son of England who is jealous of the honour of his country will make the better choice. Indeed, though certain recent events might seem to belie it, he made that choice long ago; for he knows that though the world is indebted for many things to

England, the home of free institutions, her best title to glory will be in words that are familiar to every schoolboy in India, that she has so ruled a people once great as to have made them desirous and capable of the privileges of citizens. I have also a word of warning and counsel for some of my younger countrymen. I would say to them in the words of Marcus Aurelius, "Hope not for the republic of Plato; but be content with ever so small an advance, and look on even that as a gain worth having"; and I beseech them, though they may be goaded to madness by abuse and slander, not to be betrayed into an attack on the honour or good faith of England, for as our present Secretary of State tells us in his *Life of Gladstone*, though the plain people of England are inspired by a sense of fair play which is indeed ingrained in the English character, they will refuse even the shadow of a concession, if you assail the greatness or integrity of their country.

Brother Delegates, allow me, before I sit down, to repeat my welcome, and to express our sense of the honour you have done us by accepting our hospitality. You have no doubt heard a good deal of our internal dissensions which our enemies have artfully tried to inflame. But I can assure you that whatever may be our differences, they do not affect the cordiality of our welcome to you, our friends and countrymen, who have manfully stood by us in our trials as brother should by brother, to the discomfiture and confusion of those who have sought to set class against class, race against race, and religion against religion. These men have failed. They were bound to fail, because great but silent forces are at work which no earthly power, or I will not use the epithet which rises to my lips

but merely say, human cunning, can arrest. A national life has commenced which is growing more and more vigorous every day, and this great assembly in which every Province is represented is the best answer to those who still have the hardihood to assert that India is a mere geographical expression. It is said that our country is a mere medley of races, of religions and opposing interests, and that the only tie which binds the Maharatta and the Madrasi, the Sikh and the Bengalee, is that of common obedience to their rulers. But the same thing used to be said of Germany and Italy, but both have now become great and powerful nations. Whether the same good fortune awaits us is in the lap of the gods. But the men of England rely upon it, will never knowingly attempt to avert or delay it by even a single day.

To those who say that our aspirations are premature, my answer is the ideal is not bound by time; and that life itself would be an idle tale without meaning, if we are not sustained by the hope of leaving our country better than we found it. In the words of a living English writer who calls himself a meliorist :

Without ideals there would be no hope, and without hope, neither religion, nor aspiration, nor energy, nor good work. A true ideal is no dream nor idle fantasy. It is the justification of study, and the motive of all useful endeavour. (*Bande Mataram.*)

Vande Mataram

## PRESIDENTIAL ADDRESS, SURAT CONGRESS, 1907.

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*[The following is the Presidential Address delivered in part to the Twenty-third Indian National Congress, Surat, 1907 :—]*

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### INTRODUCTION.

Brother-Delegates, Ladies and Gentlemen,—My first duty is to tender you my thanks for the signal honour you have done me in asking me to take the chair. Believe me, I am more than grateful for the distinction you have conferred on me, unsought and unsolicited—a proud distinction, the proudest in your power to confer, but a distinction which carries with it a very heavy responsibility. For the position which I am occupying so unworthily is full of anxiety and was never more so than at the present juncture when heavy clouds have floated into the political sky ; and in standing before you to-day I feel as if I was summoned to drive the chariot of the Sun ; and if I am spared the fate of Phæton, I shall owe my good fortune only to your forbearance and indulgent kindness on which I am confident I can safely rely. I can rely, too, with confidence on your willing co-operation ; for are we not all animated by one common purpose and do we not know that co-operation is the very life of concerted action which can never thrive in an atmosphere of continuous strife and difference ?

## PRESENT SITUATION.

Every one must admit that we are passing through a sad and eventful period—a period of stress and storm—and if ever there was a time when we ought to close up our ranks and present a firm, serried and united front, that time is this; for the situation is of more than ordinary gravity. It is full of difficulty and full of peril, and unless we are imbued with a strong sense of discipline and of responsibility, the vessel of the Congress may be steered direct upon the rocks. It would be idle to deny, and I do not deny, that domestic dissensions have raised angry storms which are now sweeping across some parts of the country; but there is no real occasion for pessimism or despair, though the incidents which recently occurred at Nagpur might well fill some minds with misgivings. There is, however, every reason to think that these disturbances were mainly the work of some misguided young men who had been carried off their feet by the wild talk of irresponsible persons. Of one thing, however, I am certain; those who have compelled us to change our place of meeting have no right to be proud of their achievement.

## GREATNESS OF SURAT.

And here, on behalf of the assembled delegates, I must gratefully acknowledge the readiness and alacrity with which the people of Surat invited us to hold our sittings in their historic city. In offering their hospitality to the Congress they have only acted in accordance with their traditional generosity; for they are citizens of no mean city. Surat, as history tells us, was the queen of Western India, a busy and famous mart before the lake



village of Llyndyn was staked out, and long, long before Venice rose from the sea. But, perhaps, her greatest distinction, it is certainly her best title to our gratitude is that Surat was the first resting place on Indian soil—where dissent was never suppressed by the sword, the gibbet or the stake—of the Parsi pilgrim fathers who cheerfully left home and kindred for the sake of conscience and whose descendants have inherited the virtues with the blood of their ancestors and repaid their debt a thousand-fold to India; for I make bold to say that there is no community whose love for the country is greater than that to which so many of our leaders belong, and which has given to us our “Grand Old Man.”

LATE BABU KALI CHARAN BANERJEE.

I am glad to see in this assembly almost all our prominent leaders—men whose names are as household words and who have already taken an abiding place in the minds of the people. But I miss some well-known faces. Kali Charan Banerjee is no longer amongst us. A pious Christian, an accomplished scholar, an eloquent speaker and an ardent patriot, he was an ideal leader, respected by every community in the country. A most strenuous and earnest worker, his whole heart was in the Congress and his love for it was strong even in death. For who does not remember how he left a sick-bed to attend our last meeting in Calcutta? Who does not remember how, though overcome by the heat and warned by the doctors, he refused to leave the assembly till he fell into a swoon and had to be carried out of the pandal? He died only a few days afterwards and when we think of the lonely Scotch cemetery in Koraya, where his re-

mains were laid, we cannot help feeling how much learning, how much modest and unassuming simplicity, how much piety, how much winsome tenderness and how much patriotism lie buried in the grave of Kali Charan Banerjee. That hand which everybody was glad to touch is vanished. That voice which everybody was glad to hear is still. But if to live in the hearts and memories of those whom we leave behind is not to die, Kali Charan is not dead but is still alive. True, he no longer lives in his own person but he lives in us and will live on in those who succeed us enjoying an immortality which is not given to all the sons of men.

#### LATE PANDIT BISWAMBHARNATH.

Pandit Biswambharnath, too, of Allahabad, has been gathered to his fathers, and we shall miss his mellow patriarchal wisdom in our councils. But though his work on earth has been done, in that high sense of duty which alone could have nerved him when, as President of the Reception Committee in 1892, he welcomed the delegates to Allahabad, though only three weeks before a paralytic seizure had brought him to the verge of the grave, he has left an example which will continue to inspire generations of his countrymen. The Pandit was in many ways a most remarkable man, and it will be long before there arises among us another jurist, scholar and patriot who can make us forget the loss of Biswambharnath.

#### THE RECENT DEPORTATIONS.

Gentlemen, the year that is now fast drawing to a close has seen the country convulsed to its depths and has truly been a dramatic year. The first Act opened with

the deportation of Lala Lajpat Rai and of Ajit Singh. This was followed by the Ordinance against public meetings, the Rawalpindi trial and the Press prosecutions in the Punjab and in Bengal, and the curtain dropped on what, it is to be hoped, was the last scene in the Council Chamber at Simla when the Public Meetings Act was passed.

It has been said in defence of the resurrection of Regulation III of 1818, that it is a standing law. It is not a standing law but a standing negation of all law; not a standing law, but a standing menace to our liberty, a standing reproach in our Statue-Book. A prosecution, we have been gravely told, attracts public attention and a trial for sedition is, therefore, not always desirable. This is the good old rule, the simple plan, which used to be followed in an ancient Scotch border town which also possessed a standing law, though even in Jedburgh the formality of a trial was not wholly dispensed with, only it took place after the execution. It may be a mere weakness in a lawyer; but I confess I cannot congratulate the Indian Government on their use of a weapon which is as obsolete in civilised jurisprudence as the rack or the screw. Their action in deporting a man for reasons which they dared not disclose was "illegal," "unconstitutional," "tyrannical," "arbitrary," "impudently absurd" and "preposterous." None of these epithets are mine. They have all been taken by me from Hansard and were used by a staunch Liberal on a memorable occasion. And was not Mr. Morley's answer in the House of Commons the most outrageous and indefensible answer ever given since Simon de Montfort invented Parliament? But it seems that

what is true under one degree of longitude is not true under another. What is true in Cape Town is not true in the Punjab.

Who but must laugh, if such a man there be,  
Who would not weep if Morlieus were he ?

And who was the last victim selected for the exercise of this arbitrary power ? An earnest religious and social reformer, a man whose character was above all reproach, a man who lived not for himself but others—the idol of the Punjab. Such a man is suddenly discovered by the secret police to be a revolutionary and political enthusiast animated by an insane hatred of the British Government and secretly plotting its forcible subversion. If Lala Lajpat Rai had been put on his trial, he could have triumphantly vindicated his innocence and shown that even strong Lieutenant-Governors are not infallible. He could have triumphantly shown that the garbled extracts in the *Wafadar* gave a most untruthful version of his speech. He could have triumphantly shown that all his aims and methods had been strictly constitutional and that he had always set his face against agitation which tended to sedition or disorder. But this privilege, which may be claimed by the meanest criminal, was denied to one of our foremost men ; and if Lala Lajpat Rai is now regarded as a martyr by his countrymen generally, it is the Government and the Government alone that have elevated him to that position and placed that priceless crown of thorns upon his head. If the Fort of Mandalay is now regarded as a holy place, as I know it is by some of my countrymen, it is the Government and the Government alone that have invested it with that holiness.

## THE RAWALPINDI CASE.

In Etawah, too, a similar tragedy would have taken place had it not been averted by the good sense of Sir John Hewett, who was able to see through the disgraceful conspiracy which had been so cunningly planned. But the spectre of an impending Mutiny had obscured the vision of the Punjab officials, and they saw in a mob riot a deep-laid scheme for the overthrow of the British Rule. The result was the Rawalpindi prosecution which has thrown a lurid light on the methods of sedition-hunters. Men occupying the highest position in society and looked up to as their leaders by the people in the Punjab were placed in the dock as felons, who had by their seditious speeches incited violent riots. For six long months these men were detained in prison, as bail was refused on the ground that they could not, with safety to the State, be allowed to be at large. But what was the end of this prosecution? A complete vindication of their innocence and a most scathing exposure of the case for the Crown. The judgment of the Special Magistrate shows that panic had magnified into rebellion a perfectly lawful agitation against very substantial grievances. The evidence on which the six lawyers had been kept in prison for months was "suspicious if not fabricated," and there was not the shadow of a shade of evidence to establish any sort of complicity on their part with any conspiracy against the British Crown.

And this leads me to remark that the situation in the Punjab was succinctly summed up by Lala Lajpat Rai in a letter which was written by him only a few hours before



his arrest. The discontent, he said, was due to several causes which he set forth in chronological order.

(a) The letters and articles that appeared in the *Civil and Military Gazette* some time in July and August last year under the heading, "Signs of the Times."

(b) The prosecution of the *Panjabee* coupled with the refusal of the Government to take similar action against the *Civil and Military Gazette*.

(c) The Colonisation Bill.

(d) The Land Alienation Act Amendment Bill.

(e) The increase of the Canal rates on the Bari-Doab Canal.

(f) The abnormal increase of Land-Revenue in the Rawalpindi District.

(g) The appalling mortality from plague which had made the people sullen and labour scarce, and raised the wages abnormally.

This diagnosis was perfectly correct; for as soon as the most pressing grievances were removed, the Punjab became quiet, though the bureaucracy will probably persuade themselves that this happy result was entirely due to the deportation of Lala Lajpat Rai and of Ajit Singh, and that another Mutiny had been averted solely by their foresight and timely precautions.

#### PRESS PROSECUTIONS.

The Press prosecutions, too, which were entered upon so lightly by the Government, did not show much wisdom. In some instances the Crown failed to secure a conviction and a defeat in such cases must always cover the Government with humiliation. Then, again, the prosecutions in Calcutta showed unmistakably the new spirit with which

the people are prepared to face all attempts at coercion. In many of these cases the defendants refused to plead and cheerfully went to prison, and they must be blind indeed who cannot see in it a new consciousness of nationality, which at the present day inspires Young India and has penetrated even the seclusion of zenana. When the Editor of the *Yugantar* was sent to jail, there was a crowded meeting of Indian ladies in Calcutta not to condole but to present a congratulatory address to his mother, and what did the old lady say in her reply? "Bepin's useful career has just begun," she said, "with his recent incarceration and his example will do more good than his mere presence as a humble worker in the midst of his countrymen." Again, at the Barisal Conference, which was forcibly dispersed, some ladies flung away their ornaments on witnessing the humiliation of their husbands and sons and took a vow to forego all luxuries till the men had learnt to assert their lawful rights. Not satisfied with these prosecutions, the Government undertook a crusade against mere school-boys, and our young barbarians were either publicly flogged or condemned to hard labour. Is it a matter for wonder that all this should have called for the most intense indignation throughout the country? The official may not believe it, but we can assure him the Indian has eyes and hands, organs, dimensions, senses, affections and passions.

Is it a matter for wonder that the political movement should have waxed stronger and stronger, driving even many moderate men into active sympathy with those whom they had previously regarded as impracticable visionaries.

## UNREST IN BENGAL.

And this brings me to the unrest in Bengal, the partition of which has not only strained the loyalty of many people but has led to tragic results, which ought to have been foreseen by the author of that measure. One of its objects was to strengthen the Mahomedan influence in East Bengal. The influence has been strengthened; but its strength has been manifested in a peculiar way. I do not wish to dwell on the Mahomedan riots and the atrocities which occurred in East Bengal, but this I am bound to say, that the local officials were lacking in that firmness and impartiality which are the best title of England to our allegiance. I wish to speak with moderation, but what are we to think when a Sessions Judge divides witnesses into two classes, Hindus and Mahomedans, and preferred the evidence of Mahomedans to Hindus, because they are Mahomedans. This avowed bias has naturally alienated Hindus who are burning with resentment.

## DIVIDE AND RULE POLICY.

Every one familiar with the recent history of Macedonia—and our officials are certainly familiar with it—knows that it is very difficult for a country to obtain autonomy when it is torn by religious and racial hatreds. To divide and rule, however, is a maxim which must be hateful to every Englishman, and we should be sorry to charge any English official with such tactics. But the fact remains that, for the first time in Bengal, racial and religious hatreds have been surging in the new Province among communities who formerly lived on the most friendly terms. Lord Curzon, I find, protests against the notion that he meant to play off the Mahomedans against the Hindus, and we are bound to accept His Lordship's

denial; but there is a well-known maxim in law that every man must be presumed to foresee the consequences of his own acts; though in the case of His Lordship, with his well-known foibles, we are not driven to rely upon this old legal saw.

The officials still fondly believe or pretend to believe that the Mahomedans were goaded to madness by the boycott movement of the Hindus! and that this was the real cause of the general lawlessness of the lower classes among the Mahomedans which burst into flame in East Bengal only a few months ago. It is, however, singular that this lawlessness did not reveal itself when the movement was at its height. Again, if the official view is correct, we have a remarkable instance of the innate perversity of the Oriental mind; for the boycott benefited the Mahomedans and not the Hindus, by reviving the weaving industry on which they had lived for generations. It is, however, unnecessary to discuss this question at length, because it has now been placed beyond all controversy by the solemn judgments pronounced not by Hindu but by English and Mahomedan Magistrates.

At Jamalpur, where the disturbances began in the Mymensingh District, the first information lodged at the Police Station contained no reference whatever to boycott or picketting. Mr. Beatson Bell, the trying Magistrate at Dewangunj, observed that boycott was not the cause of the disturbances. Another Special Magistrate at Dewangunj, himself a Mahomedan gentleman of culture, remarked :

There was not the least provocation for rioting; the common object of the rioters was evidently to molest the Hindus.

In another case the same Magistrate observed :

The evidence adduced on the side of the prosecution shows that, on the date of the riot, the accused had read over a notice to a crowd of Mussalmans and had told them that the Government and the Nawab Babadur of Dacca had passed orders to the effect that nobody would be punished for plundering and oppressing the Hindus. So, after the Kali's image was broken by the Mussalmans, the shops of the Hindu traders were also plundered.

Again, Mr. Barniville, the Sub-Divisional Officer of Jamalpur, in his Report on the Melandahat riot, said :

Some Mussalmans proclaimed by beat of drum that the Government had permitted them to loot the Hindus.

And in the Hargilchar abduction case the same Magistrate remarked that the outrages were due to the announcement that the Government had permitted the Mahomedans to marry Hindu widows in *nikka* form.

The true explanation of the savage outbreak is to be found in the "red pamphlet" which was circulated so widely among the Mahomedans in East Bengal, and in which there is not a word about boycott or Hindu volunteers. "Ye Mussalmans," said the red pamphlet, "arise, awake, do not read in the same schools with Hindus. Do not buy anything from a Hindu shop. Do not touch any article manufactured by Hindu hands. Do not give any employment to a Hindu. Do not accept any degrading office under a Hindu. You are ignorant, but if you acquire knowledge, you can at once send all Hindus to Jehannum (hell). You form the majority of the population of this Province. Among the cultivators also you form the majority. It is agriculture that is the source of wealth. The Hindu has no wealth of his own and has made himself rich only by despoiling you of your wealth.



If you become sufficiently enlightened, then the Hindus will starve and soon become Mahomedans." The man who preached this Jihad was only bound down to keep the peace for one year! You are probably surprised at such leniency. We in Bengal were not, or were only, surprised to hear that the man had been bound down at all!

At the present moment there is undoubtedly a lull in East Bengal; but who knows that the Province may not be swept again by another violent storm of wild frenzy and brute ferocity? For the devil of religious jealousy and hatred may be easily evoked: it cannot be as easily dismissed.

#### THE SEDITIOUS MEETINGS ACT.

The partition of Bengal is at the root of all these disorders and the discontent created by it has spread to other parts of the country. The result is a general unrest, and in the opinion of the Government, the situation is becoming serious. But is not the solution of the problem within easy reach? You cannot govern India without the sympathy and confidence of the people. That sympathy and that confidence have been imperilled by Lord Curzon's autocratic measure and the only way to win back our sympathy and confidence is its reversal and not the Seditious Meetings Act which was passed on the 1st November last. Of that Act I find it difficult to speak with patience. But, as my honourable friend Mr. Gokhale said in the Council Chamber, even more dangerous than the Act itself is the policy that lies behind it—a policy which is unwise in the highest degree and which is bound to fail in India as it has failed everywhere else. It will burn into the minds of the people

harsh memories which even time may be powerless to efface, and will, there is every reason to fear, enhance the very evil which it is intended to control.

We hope, however, that this new weapon with which the Executive have been armed, will be very sparingly used. For the Prime Minister said only a few days ago that he was in favour of the free toleration of all agitation that is not directly and openly subversive of order. And I have no doubt that these principles of toleration will be loyally carried out by the Indian Government, when they recover from the panic which has seized them. All agitation is not subversive of order. Every agitator is not a rebel though he is labelled as such by a section of the Anglo-Indian Press. A speech may be objectionable in expression and temper, but it ought not to be repressed merely because it might indirectly be subversive of order.

#### LORD CURZON.

By a strange irony of fate, it was left to a sympathetic Viceroy and a Liberal Secretary of State to adopt a policy of repression which Lord Curzon never ceases to remind us he had no occasion to call in aid. But the responsibility for this new policy primarily rests upon His Lordship, not upon Mr. Morley or Lord Minto who did not come into a "haven of peace." Heavy storms had broken out before the retirement of Lord Curzon, who left undone everything which he ought to have done and did everything which he ought not to have done. People for the first time began to distrust the good faith of their rulers, for His Lordship made no secret of his conviction that England's true mission was to govern India, but not

through the people or with their assistance. The commercial exploitation of the country and its administration by Englishmen were his ideal of imperialism. Indians were to be excluded from all offices of trust and responsibility and were to be denied even all opportunities of qualifying themselves for such offices, which were to be reserved exclusively for the ruling race. And in every department of the public service a large number of highly paid officers were created by him to be filled by his own countrymen.

#### LORD CURZON AND THE NEW PARTY.

We have, gentlemen, a long and heavy indictment to bring against Lord Curzon. We charge him with having arrested the progress of education. We charge him with having set back the dial of local self-government. We charge him with having deliberately sacrificed the interests of the Indian people in order to conciliate English exploiters and administrators. And, lastly, we charge him with having set Bengal in a blaze. It is Lord Curzon and Lord Curzon alone who is responsible for the rise of the new party, for he drove the people to despair and to madness. It is true Lord Curzon has retired, and yet the new party is growing in numbers. But we maintain, that Lord Curzon is responsible for this growth, and if it is also growing in bitterness, Lord Curzon and Lord Curzon alone is responsible for it. Mr. Morley speaks of his duty to arrest the hand which would set the prairie on fire. Why did he not then, though in opposition, seek to arrest Lord Curzon's hand? He could not have rendered a greater service both to England and to India, for no Englishman has done

more to undermine our loyalty than the Viceroy who sought to humiliate not only His Majesty's Indian subjects but also the great ruling chiefs. It is quite possible we have failed to appreciate His Lordship's good intentions, but the herald who recorded only the other day the virtues of Lord Clive may console himself with the reflection that justice may yet be done to him in the avenging pages of history—in the Greek Kalends.

#### PARTITION OF BENGAL—A FESTERING SORE.

If the Punjab is quiet it is only because the grievances of the people have been redressed. If Bengal is still in a disturbed condition, it is only because the partition of Bengal is a festering sore which will not be healed. Let the Bengali-speaking people be placed under a Governor with an Executive Council, and you will see the winter of our discontent made glorious summer. Force is no remedy, and the best security for the peace of the country is the conviction that all real grievances will be redressed; not deportations or coercion Acts; and I have no hesitation in saying that timely concessions alone can arrest the progress of the discontent which, though at present is a cloud, no bigger than a man's hand, may in time overshadow the whole land.

#### MR. MORLEY.

And this reminds me that Mr. Morley made a fatal mistake, fatal to his reputation as a Liberal and a statesman, when he refused to undo the partition of Bengal and sought shelter behind a settled fact. If he had only shown more courage, Bengal would not have been convulsed and there would have been no excuse for the reactionary

policy which has done so much to tarnish his fair fame as a Liberal statesman. And yet though unwilling to disturb the partition of Bengal, in his first Budget speech Mr. Morley spoke sympathetically of the new spirit which is abroad in India. The Indian system of government could not, he admitted, move in the old narrow groove but called for improvement. Speaking of the Indian Congress, he said that there was no reason to be frightened at its demands, as it did not insist on any violent or startling new departures. Dissatisfaction with the administration, said the great disciple of Mill, is not disaffection. It is true he did not think that India should have universal suffrage or be placed on the same footing as the self-governing colonies, but he insisted upon the spirit, the temper, the principles and the maxims of English institutions being applied to the Government of India. Mr. Morley also said that a definite and deliberate move ought to be made with a view of giving competent and able Indians the same access to the higher posts in the administration that are given to their British fellow-subjects, and pointed out that the Proclamation of Queen Victoria should be construed in a liberal and generous sense and not refined away with the ingenuity of a quibbling Attorney's clerk.

We should be untrue, said the friend and biographer of Gladstone, to all the traditions of this Parliament and to those who, from time to time and from generation to generation, have been the leaders of the Liberal Party, if we were to show ourselves afraid of facing and recognising the new spirit with candour and consideration.

We know how these professions have ended in deportation, ordinances, public prosecutions, punitive police, military constabulary and the Public Meetings Act.



## UNREST IN THE PUNJAB.

On the last Budget debate this great Liberal Minister boldly said that he has no apology whatever to offer for the deportations in the Punjab and he recommended a policy of firmness which in India means repression. Now we are quite willing to believe in Mr. Morley's kindness, sympathy and love of justice, though it may cost us a painful mental effort, but when he says his anchor still holds we are bound to remind him that his vessel has veered round with the tide. He will not probably admit that he has changed his ground, but he has certainly changed his front. It is not, however, at all difficult to account for this sad change in Mr. Morley's attitude. He has been evidently misled by his responsible advisers whose knowledge of the condition of the country is derived from secret police reports, and who told him of widespread sedition and the imminence not of a mere mutiny but of a revolt against the English rule with all its attendant horrors,—a rising of the women and children against the men. A large section of the English Press also sought to create enmity between the two races by stirring up the memory of the dark days of the Indian Mutiny, stained with so many crimes and so much carnage; and the *London Times*, true to its traditions, recounted the old story with embellishments in order to embitter our rulers against us. What wonder, then, if that apostle of freedom, to whom reasons of State are only the tyrant's plea, has been compelled to yield to the pressure put upon him by responsible advisers and by the Press. I will not say, with the Tory Press in England, that Mr. Morley has been translated, but we are painfully reminded of Ariel in the

hateful bondage of Sycofax. The truth is politics, even in our day, is like pitch. You cannot touch it without being defiled, and the Secretary of State might have profited by the warning of Comte that a philosopher who holds up from his closet lofty ideals of conduct should not take an active part in the practical administration of a country like India where a Liberal statesman must frequently stoop to arts which may be reconciled to the official conscience but not to the conscience of the plain man.

Mr. Morley, I repeat, has fallen under the spell of the bureaucracy. We are quite willing to believe he means well. Indeed, the India Office, like the floor of the House of Commons, is paved with good intentions. But under the present system of administration, it is impossible for any single man to do any real service to us. The Secretary of State has to take his facts from the Indian officials, and the only public opinion of which he knows anything is not the public opinion in India, but the public opinion in England, nourished upon the lies told by unscrupulous correspondents which are faithfully reproduced in the English Press.

#### THE GROWTH OF A NEW PARTY.

The growth of a new party in India has also served as a very useful excuse for delaying all reforms. I am, however, bound to say that this party is not, at the present moment, at all dangerous. Every sensible man disapproves of its methods; if the Government can only rally the Moderates to their side by gradually preparing the country to take its position as a self-governing State or a federation of States united together under the supreme

authority of England, they will extinguish the new party completely, and the ominous shadow which has projected itself over the future fortunes of the country will disappear. The bureaucracy, however, is unable to distinguish, or refuses to distinguish, between those who earnestly seek for reform and the irresponsible agitators who would have nothing to do with the Government. They are all tarred with the same brush. Those who demand a larger share in the administration of their country, as essential to the welfare and the stability of the British Government, are confounded with the pestilent demagogue who would drive the hated foreigner into the sea. Those who counsel their countrymen to have patience, confident that their rulers would in time give them all they can reasonably want, if they confine their agitation to constitutional methods, are confounded with those who assert that nothing good can come out of England, and that passive resistance, if persisted in, would compel the English to retire from the country. But is it not a serious blunder, which in politics we all know is worse than a crime, to denounce the whole of the educated classes as disloyal? Such denunciations have sometimes a fatal tendency to realise themselves.

#### WHO ARE THE ENEMIES OF ENGLAND.

Mr. Morley recently spoke of the "enemies of England," but who are those enemies? Not certainly the educated classes who represent the better mind of India. The real enemies of England are those Englishmen who lose no opportunity of showing their hatred and contempt for the people of this country. Flushed with the insol-

ence of a ruling caste they treat them as an inferior race with whom friendly or sympathetic relations are impossible.

The danger of such an attitude was clearly discerned by Lord Salisbury, who, when he was Secretary of State for India, addressed this memorable warning to the Cooper's Hill College students more than thirty years ago :

No system of government, he said, can be permanently safe where there is a feeling of inferiority or of mortification affecting the relations between the governing and the governed. There is nothing I would more earnestly wish to impress upon all who leave this country for the purpose of governing India than that, if they choose to be so, they are the only enemies England has to fear. They are the persons who can, if they will, deal a blow of the deadliest character at the future rule of England.

Since this warning was given, the relations between the two classes have grown worse and have given rise to racial hatred which is sure to cause serious trouble ; for, as Mr. Morley said only the other day, bad and overbearing manners in India are a political crime.

The real enemies of England are those who talk of the lofty duty of England towards India but believe or pretend to believe, that this can only be discharged by a foreign bureaucracy and that, in the interest of the people themselves, they ought not to have any real share in the administration of the country. For, as Mr. Morley, the most tender, lofty, cheerful and delicately sober of all moralists, says, "the usual excuse of those who do evil to other people is that their object is to do them good."

The real enemies of England are those who try to stir up racial hatred in the Press by the most unblushing

lies whenever reform is in the air. I am afraid to trust myself to speak of the conduct of those men who are a standing menace to British Rule, and will only say that we deeply regret that at this critical period the Government of India should have selected a correspondent of the *Daily Mail*, to supply them with Indian news at an extravagant salary. Who does not know the achievements of that paper in all parts of the world,—In Africa, in China and in India! Who does not remember the story of the "coronation" of Babu Surendranath Bannerji, of the reign of terror established in Eastern Bengal by the "National Volunteers," the "Barisal Scare," the "incipient mutiny" and last, though not least, the treasonable incitements of Mr. Keir Hardie? This is certainly not the way to restore the confidence of the people who are overcome by a sense of utter helplessness and despair.

#### CONGRESS DEMANDS.

Mr. Morley said in his last speech that he could not discover what we want our Rulers to do which they are not slowly and gradually taking steps to accomplish, and seems to think that we were crying for the moon. But the National Congress does not surely cry for the moon when it asks for the reduction of the military expenditure. The National Congress does not surely cry for the moon when it protests against degrading Colonial Ordinances and demands for the Indian the ordinary rights of British citizenship in the Colonies. The National Congress does not surely cry for the moon when it seeks the separation of Judicial from Executive functions or protests against the partition of Bengal. The National Congress does not surely cry for the moon when it insists upon the



extension of primary education or the limitation of the revenue on lands which belong to the State. The National Congress does not surely cry for the moon when it insists upon a truly effective representation of the people in the Legislative Councils or upon their representation in the Executive Councils of the Viceroy and of the Governors of Madras and of Bombay.

We do not demand the immediate recall of Lord Kitchener or the disbandment of the Indian Army. We do not demand universal suffrage. And yet these were some of the red herrings Mr. Morley dragged across the path of English public opinion in his Arbroath speech. What we do demand is that our Rulers should introduce reforms as steps towards giving us that self-government which is now the aspiration of a people educated for three generations in the political ideas of the West. Mr. Morley admits that the English are here not for their own interest but for the interest of the millions committed to their charge. Now, though this assertion has an unctuous theological flavour about it, and must be taken with a few grains of Kurcutch salt, I take it no Englishman will deny that the supremacy of the English is not to last for ever and that their real object is to teach India to rule herself. I am confident that every true Englishman who has an in-born sense of freedom and justice has faith in self-government. And I can affirm with equal confidence that, however beneficent a foreign rule may be, no people in whom all manhood has not been killed out will ever willingly submit for ever to the yoke though it may be, wreathed with flowers. This is a natural sentiment which must

commend itself to every true-hearted Englishman. The "brightest jewel in the British Crown" 'must not be regarded merely as a market for British goods or a field for the safe investment of British capital or as opening a dignified career to "our boys." Now, can any one honestly say that England has done all that she might have done towards accomplishing her mission? What, I ask our Rulers, have you done during the one-and-half centuries of your stewardship? Given increased material prosperity? Granted; though the people with Oriental perversity still continue to die of famine. Given us high education? Granted; though here again in ways peculiar to the East where the law of cause and effect does not hold good that education has, according to you, led not to contentment but to disaffection. But if that education, as we assert, has with all its faults given you public servants as able and as loyal as their English brethren, has not the time come to give the educated classes a larger share in the administration of the country? We look at the achievements of Japan in less than fifty years. We look at Persia, we look at China, and our minds are filled with despair. We cannot any longer be fed with worn out platitudes; and when Mr. Morley deals in them, he forgets that we too may claim to have kindled our modest rush-lights at Burke and Mill's benignant lamps. We too know the painful journey that lies before us before we can be welded into the political unity of a nation. Long, long is the way, rugged is the ground and the weary steps must be trodden with bleeding feet, with bleeding knees and with bleeding hearts. But do not, we pray you, stand with a drawn sword to impede our journey.

I repeat that we are not crying for the moon. I repeat, that all we ask is that our country should take her rightful place among the nations under the aegis of England. We want in reality and not in mere name to be the sons of the Empire. Our ambition is to draw closer to England and to be absorbed in that Greater Britain in which we have now no place. The ideal after which we are striving is autonomy within the Empire, and not absolute independence. Let England help us in attaining our object and her name will continue to shine with undimmed glory, even when the new Zealander sits on the ruined arches of Westminster Bridge.

#### NEW SPIRIT.

A new spirit is abroad in India which calls for an improvement in the Indian system of Government which has now become an anachronism. Men nurtured on Western ideals and literature must be animated by new aspirations which must be satisfied. The time that Macaulay foresaw—the most glorious day for England—has now arrived. With the growth of new ideas and new aspirations, the Indians insist upon a greater share in the administration of their own affairs. This demand is resisted by an autocratic bureaucracy who are jealous of the slightest encroachment on the privileges of their order. It is admitted on all hands that the people of this country are most docile and law-abiding and yet portions of the country are in a state of ferment. This is due not only to the resistance to the demand of the people for a large share in the management of their own affairs, but to the reactionary policy persistently followed in recent years by the Government, and their contempt for public

opinion and the legitimate aspirations of the people. Political life is stirring in India which must be faced in a considerate spirit; but there has been, as yet, no serious attempt to do so by the Government. The result is general discontent. The bureaucrats are certainly wise in their generation. They defer all reforms till the discontent gathers in volume and leads to seditious movements, when they readily seize on them as a pretext for repression and for indefinitely postponing any experiment in self-government. The Spanish matador, as we all know, maddens the bull with his muleta and then plunges his sword into its neck.

#### WANTED SYMPATHY.

The supreme necessity of the hour is sympathy. We wish to see less and less of the strong hand, and more and more of the strong nerve, the strong head and the kind heart. As the Prime Minister recently said, the Indian administration should be brought into closer contact with the Indian people, and that it is only by an honest, courageous and persistent attempt to do so that England would discharge her momentous trust,—the most momentous trust that was ever committed to a great State. And there never was a time when sympathy was more needed for India is truly a country of many sorrows and is stricken sorely by plague and famine.

#### MR. MORLEY'S REFORMS.

And this brings me to the reforms which Mr. Morley shadowed forth towards the end of his speech on the last Indian Budget debate. These were in addition to a Royal Commission, to enquire into the evils of over-centralisation, (first) the institution of an Advisory Council of Nota-

bles, (second) the enlargement of the Legislative Councils, (third) the fuller discussion of the Budget in the Viceroy's Council, and (fourth) the nomination of one or two Indians to the Secretary of State's Council in London.

#### DECENTRALISATION COMMISSION.

It would be premature to express any opinion on the work of the Decentralisation Commission. We have, however, every reason to think that it will strengthen the elective element on Municipal and Local Boards and that the representatives of the people will be associated with the District Officer in the work of Local Administration. I know that most people distrust Commissions, though Lord Curzon was free from any such weakness. But we trust that the Decentralisation Commission will prove an exception to the general rule and lead to great improvements in the administration, as the terms of reference are wide enough to include proposals for advancing the cause of Local Self-Government by strengthening and developing Municipal and Local Boards and by decentralising District Administration. The distribution of power between the Supreme and Provincial Governments is a matter of secondary importance to us. But to what extent our control of local affairs in Municipalities and District and Local Boards is real—also to what extent the administration of a district by the Collector and District Magistrate is influenced directly and indirectly by the opinion of the people of the district—these are matters of supreme importance. Though we may not be yet in a position to make a correct forecast of the result of the labours of the Commission, our best men



must direct their energies towards making these labours fruitful, and this can only be effected by our coming forward in sufficient numbers to give evidence before it. Of course, only such persons should come forward for the purpose as have a fair grasp of these questions and some personal acquaintance with either Local Self-Government or District Administration. The present disposition which, I fear, is general all over the country, to leave the Commission alone is most unfortunate and will only do us harm. We should insist that the composition of Municipal and District and Local Boards should now be entirely or almost entirely elective. We should also insist that the resources at their disposal should be larger than at present. And we should lastly insist that the control of Government over local bodies should be similar to that of the Local Government Board in England, and, as there, it should be exercised only in the interests of efficiency and purity of administration, and that, subject to this control, local bodies should be free to manage local affairs and spend local resources as they deem best. Then, and then only would they feel a real sense of responsibility in the matter of local self-government which can never be developed under the present system of constant and harassing interference on the part of officials. As regards district administration, everybody will admit that the Collector and District Magistrate should be emancipated from the present excessive Secretariat control, and, in place of it, every head of a District should have associated with him a Board composed of elected and nominated members, which may at first be entirely or almost entirely advisory

but which, in course of time, should be entrusted with definite and gradually expanding powers of control. All important administrative matters concerning a district, except such as may have to be treated as strictly confidential, should be laid before this Board for advice, which the Collector and District Magistrate should not be at liberty to set aside except for reasons to be recorded in writing. If the experiment succeeds, as it is bound to do, the Board should be empowered to exercise substantial control over most matters of district administration like the administration of excise and forest rules, famine and plague administration.

#### THE SIMLA SCHEME OF NEW REFORMS.

The first three reforms adumbrated by Mr. Morley are now embodied in what is known as the Simla scheme, and I propose to deal with these reforms very briefly. The idea of a Council of Notables is not quite new. A similar measure was tried by Lord Lytton in 1877, but, as Mr. Morley admits, it was a complete failure; and I fear that unless the scheme is considerably modified, the proposed reform will share the same fate. For the Council is sure to be a reactionary body,—an Indian House of Lords, with this difference, that the English House of Lords contains many able and accomplished men who have been trained in Politics from their earliest youth and who are in a large measure in touch with the general trend of public opinion. I do not, however, deny that the proposed Council, if it is properly constituted and its functions enlarged, may be a useful institution. But the present scheme is open to a variety of objections. In the first place, though Ruling Princes

may well be invited to a Council which has to deal with matters touching the welfare of their States or their relations to the paramount power. British subjects alone should be eligible as members of a Council which have to deal exclusively with questions relating to administration in British India on which Ruling Chiefs are not likely to be able to give much useful advice.

The proposed Council is also open to objection on the ground that the Councillors are not to be consulted collectively but only individually. Then, again, it is absolutely necessary, in order to create confidence and to secure in some measure popular representation, that certain proportion of the Members should be elected by the different Provinces. The Council should also meet at stated times, and whenever any proposed measure is not accepted by a majority of the Members it should be dropped, or, at any rate, postponed for further consideration. You cannot invite opinions only to flout them.

The proposed reform of the Viceroy's Legislative Council is also open to very serious objections, if indeed it is not a step backwards. It has been almost universally condemned, as the proposal to allow the Local Councils to return only seven out of fifty-four members would seriously reduce the influence of the educated community who, notwithstanding the sneers at intellectuals, lawyers and schoolmasters, are the real leaders of public opinion. Distrust, we all know, breeds distrust, and the Government ought not to be surprised if my countrymen regard their proposals with the same suspicion with which the Trojans regarded the friendly gifts of the Greeks.

The functions of the Council should also be enlarged and the debate on the Budget ought to be made a reality instead of a mere academic exercise. This can only be done by allowing the Members to divide on any question on which there may be a difference of opinion on any head in the Budget. The Council should also be given an opportunity of discussing, under proper safeguards, questions relating to administration on which there is a strong public feeling.

The Provincial Councils should also be expanded on the same lines, and every District should be allowed to return a Member. And the Advisory Boards for assisting Local Governors in carrying on the administration should be constituted on the model of the Council of Notables. All important matters connected with Local Administration should be referred to these Boards for opinion before any action is taken. This is the only way to bring the administration into touch with the people.

I would ask you to consider the Reform Scheme carefully, for I am sure the Government will give due weight to any recommendations which may be made by you. It has been put forward before the public for criticism, and it is our duty to suggest such additions and alterations as would, in our opinion, improve the scheme. It would certainly not be wise to reject the proposal simply because they do not go far enough in a petulant spirit. On the other hand, the Government have no right to be surprised if, in their present mood, my countrymen refuse to be consoled by these rather doubtful concessions for the deportation of British subjects without a trial or the partition of Bengal.

It remains only to add with regard to the fourth proposal of Mr. Morley, that it has already been carried out. It is no doubt a great step forwards but its usefulness will entirely depend on the careful selection of the members. But the selections which have been made, have not commanded general approval. Such approval can only be secured by giving the people a voice in the selection. We must, therefore, ask that whenever an Indian has to be appointed, all elected Members of the several Legislative Councils should be invited to submit three names to the Secretary of State, who should then select one out of the three.

#### DIVISION IN THE CONGRESS CAMP.

I will now pass on to the present position of the National Congress. Gentlemen, it has been said that there is a hopeless division in our ranks and that we have now come to the parting of ways. It has been said that we are divided into two parties,—those who place their faith in constitutional methods and those who have lost all faith in them—and that it is impossible for the two parties any longer to act together. Now in a vast organisation like the Indian Congress, which embraces every section of the community, differences of opinion must be inevitable though they cannot be allowed to reach a point which would paralyse our action. Quarrels when they stop short of this only prove not the weakness but the strength of our combination. They show the vigour of life and not the languor of decay. One thing, however, we must not forget. We must not forget that the National Congress is definitely committed only to constitutional methods of agitation to which



it is fast moored, and if the new party does not approve of such methods and cannot work harmoniously with the old, everybody must admit it has no place within the pale of the Congress. Secession, therefore, is the only course open to it. But I most fervently hope and trust that nothing of the kind will happen, for are we not all soldiers fighting in the same cause and under the same flag marching together to the golden trumpet note sounded by Dadabhai Naoroji last year for the great battle of *Swaraj*? Are we not all inspired with the same ideas, the same thoughts, the same desires and the same aspirations?

#### WHY THE CONGRESS EXISTS.

The Congress exists to draw us together and not to divide us. It stands pledged as ever to the larger employment of the people of this country in the Public Services so as to gradually dispense with the present expensive administration. It stands pledged as ever to our larger representation in the Legislative Councils. It stands pledged as ever to the reduction of the enormous military expenditure and to a more equal division of the burden between England and India. It stands pledged as ever to the limitation of the Land Revenue. It stands pledged as ever to the separation of Executive and judicial functions. It stands pledged as ever to the *Swadeshi* movement. It stands pledged as ever to the resolution that the Boycott movement in Bengal inaugurated by way of protest against the partition of the Province is a legitimate movement. It stands pledged as ever to the reunion of the people of Bengal under one Administration. And, lastly, it stands pledged as ever to win gradually for the

country by all constitutional means that autonomy which England has so wisely granted to her Colonies.

#### INDUSTRIAL REGENERATION.

We all recognise the supreme need of unity and of patriotic sacrifice. We are all agreed that nations are made by themselves. We are all agreed on the necessity of education on National lines and the general elevation of the masses so essential to the attainment of a higher political life. We are all agreed on the necessity of industrial development. For even deeper than political reform, before mere reforms of Government, lies the great question of the industrial regeneration of the country. Let us stand by the *Swadeshi* movement which is founded not on hatred but on love—love of our own country, not hatred of the foreigner. Our creed is short and consists in the development of India for ourselves; but *Swadeshi* within the limits of the law. It is a patriotic sentiment which involves no disloyalty. We are determined not to use foreign goods so far as practicable, and no amount of repression will deter us from carrying out our resolution. We cannot protect our industries by tariff legislation, but we can show our love for the country by our sympathy for the masses who are now steeped in unspeakable poverty. The Anglo-Indian community, however, have taken fright at this movement, and the Government, too, have been infected by it. They draw a sharp distinction between *Swadeshi* and Boycott; but unless Boycott is accompanied by violence, is there any real difference between the two?

## WORK IN HARMONY.

I confess I see no reason why we should not still be able to work in harmony. A house divided against itself cannot stand, and we must be on our guard against the deadly peril of disunion. The race may not always be to the swift nor the battle to the strong, but depend upon it, without patient discipline and self-control, without courage and determination, without a sense of loyalty of order and of duty, our enterprise is bound to fail. The citadel of bureaucracy is much stronger than the walls of Jericho. Brother-Delegates, the night is dark and tempestuous. Let us hold together and wait in patience for the dawn, not resting till the bright morning comes, fearless in our faith and strong in our hopes. But this I am painfully compelled to say, that unless wiser counsels prevail, there is bound to be a cleavage when we must part company and the Congress left free to follow the path of constitutional agitation marked out by its founders,—the only path which promises a successful issue.

## WHAT THE NEW PARTY SAYS.

The new party seems to have persuaded itself that it is hopeless to expect any concessions from our Rulers and that political agitation on the lines of the National Congress are a delusion and a snare. The true bureaucrat, it says, does not appreciate moderation and always treats the constitutional reformer with secret contempt. Like the Sinn Fein party in Ireland, it has lost all faith in constitutional movements, but it must be said to its credit that it has also no faith in physical force; nor does it advise the people not to pay taxes with the object of embarrassing the Government. I am of course speaking of the

leaders. All its hopes are centred in passive resistance of a most comprehensive kind, derived, I presume, from the modern history of Hungary, the pacific boycott of all things English. If I understand its programme aright, we must refuse to serve Government in any capacity either as paid servants or as members of Legislative Councils, Local Boards or Municipalities. British Courts of Justice too should be placed under a ban and courts of arbitration substituted for them—a proposal, by the way, which shows that the agitation is not the work of hungry lawyers. All schools and colleges maintained by the Government should also be boycotted. In a word, we must get rid of our habit of leaning on the Government and create in its place a habit of thinking and acting as if the Government were not. All this, however, is to be effected not by physical force but by social pressure; for there has yet arisen no party to counsel violence or any other breach of the law.

#### A COUNSEL OF DESPAIR.

Now, it seems to me, to put it mildly, that this is a counsel of despair which may appeal to "the impatient idealist," but which is foredoomed to failure. I speak not in anger but in sorrow, for it is quit possible to sympathise with this new phase of patriotism, this yearning for an unattainable ideal. But we must look facts in the face. We must recognise them loyally, and if it is true that no man is ever good for much who has not in his youth been carried off his feet by fiery enthusiasm, it is equally true he needs the bit and the bridle. For enthusiasm, unless controlled by sound judgment, frequently ends in ghastly tragedies.

You all know the story of the city with the three gates with their inscriptions; the first said "Be bold;" the second "Be bold and ever more be bold;" while the third and last inscription which the horseman read was "Be not too bold." You forget that rashness is not courage. You forget that hasty maxims drawn from the history of other nations and other times are extremely dangerous, as the conditions are never the same, and action which produces a certain result in one country at one time may lead to directly opposite result in another country and at another time. You forget that there is no doctrine so universal and comprehensive that you are bound to act upon it at all hazards. You forget, it may be a cynical remark, but it is perfectly true, that though a martyr may be worshipped for his sufferings and his sacrifices, he is not always counted among the wisest of men and his example is more frequently admired than followed. I need not go far afield to seek for illustrations. You pride yourselves on the idea that you alone have the courage of your convictions and that the Moderate party are disloyal to their country and would betray her with a kiss. But you forget that there is a faith, and, perhaps, as has been rightly said, a deeper faith which knows how to stand still and wait patiently till the fruit is ripe and may be gathered without violence. Your aims may be generous but do not drag the country into perils which you do not foresee but which are sure to follow on your methods. The millennium surely will not arrive when all Government Colleges and Schools are closed, when all Municipal and District Boards are abolished and



elected members refuse to sit in the Legislative Councils of the Empire. Petulance is not manliness. It is easy to revile authority in season and out of season, but not so easy to build up a notion. Of one thing I am sure. One thing I know. Mere rant, however full of fire, will not help us. What we want is action, leadership and discipline. What we want is earnest work in co-operation with the Government, if possible, but in any case in conformity with moral and constitutional methods. Temporary failures must not discourage us. Hopes deferred must not sicken us. We must pursue our course with that courage which inspires the soldier in a forlorn hope with heart for any fate, conscious of our integrity and conscious of the nobleness of our cause.

I implore you not to persevere in your present course. Do not be beguiled by mere phantoms. You cannot put an end to British Rule by boycotting the administration. Your only chance under the present circumstances of gaining your object lies in co-operation with the Government in every measure which is likely to hasten our political emancipation for so long as we do not show ourselves worthy of it rely upon it England will maintain her rule, and if you really want Self-Government, you must show that you are fit for such responsibility. Then and then only will the English retire from India, their task completely accomplished, and their duty done.

THE NEW PARTY NOT TO BE TAKEN SERIOUSLY.

But suppose your movement is successful and the English retire from the country, leaving the people to stew in their own juice. Imagine the chaos and disorder

into which the whole country would be immediately plunged. I really cannot—I hope to be forgiven for this remark—take the members of the new party seriously ; I believe they are at present only in a sulky mood, because constitutional and peaceful methods have failed. They say that the National Congress has been for years only ploughing the sands of the sea-shore, that all prospects of reasonable concessions are more and more receding into the distance and that we are deluding ourselves and our countrymen in persevering in our mendicant policy. Arguments, they say, are of no avail nor supplications however humble. They are always met by insult and by contempt. Now I venture to think that this mood betrays an impatience which the history of every reform shows to be in the highest degree unreasonable—a sullen and angry mood which may readily slide into a temper which would be a menace to law and order and would furnish our enemies with the plea that public tranquillity can only be secured by repression. You may deny it, but I fear you are in danger of slowly but surely drifting into treason.

Do not, I beseech you, play the game of our enemies but be staunch to the Congress as ever and abide by the principles, and follow the chart laid down by its founders. Do you believe that we do not feel as strongly as you do the unjust disabilities under which we labour ? Do you believe that we do not feel as strongly as you do our exclusion from our legitimate share in the administration of the country ? Do you believe that we do not feel as strongly as you do the annual drain which is impoverishing the country ? Do you believe that we do not

feel as strongly as you do the burden of the military expenditure which arrests all progress and but for which the country would have been covered with a network of schools, with free primary education within the reach of the masses? Do you believe that we are not as determined as you are to work out our political emancipation?

#### CONGRESS WORK IN ENGLAND.

But I ask you seriously if it would not be madness to give up constitutional agitation either here or in England, especially in England, where public opinion, not of the classes but of the great democracy, is now the dominating factor in politics. I do not invite you to supplicate with bated breath and whispering humbleness but to demand of a nation jealous of its honour, a fulfilment of the pledges which have been repeatedly given to us. What lies in our way is the utter ignorance of the English people about us. They have been led to believe that the administration of India is perfect; but if they were made acquainted with the real condition of the country at the present day, they would gladly support such reforms as we demand, though we must be prepared for the opposition of those classes whose vested interests might be imperilled by any reform. We must, therefore, try to educate English public opinion. And that public opinion, when well informed and not warped by lies, is sure to be essentially just. It is only by enlisting such opinion on our side that we can hope to achieve our objects. We must, therefore, endeavour to place our views before the people of England by every means in our power, by active agitation on the platform and in the Press.

Remember that we have very powerful enemies, who try their best to mislead the nation, and we can only hope to meet them by creating a powerful body of opinion in our favour among the people who have been so recently emancipated and whose sympathy must always be with those who are only claiming the ordinary rights of British citizenship.

#### BRITISH CONGRESS COMMITTEE.

This is now the task of the British Committee in London, whose services, however, have not received that recognition or support, which is undoubtedly due to them. Our friends in England have been unremitting in their exertions and if we have escaped more rigorous repressive measures, we owe it to them and to them alone. They have not only laboured to promote our welfare but have spent their own money for us, and I am not using the language of exaggeration when I say that they have poured out money like water in our cause.

#### INDIAN AGITATION IN ENGLAND.

I do not deny that we must rely on our own right hand to build up our national strength, but the only power that can control the bureaucracy now is to be found in England. Depend upon it, political agitation in England is not a mere waste of energy and of money. It is sure to improve the system of administration and to galvanize it into new life. Measures like free primary education, for instance, will appeal readily to the sympathies of the English people and will be forced on the bureaucracy who, if left to themselves, would put it off indefinitely; for they have studied one art in perfection, the art of writing minutes and of not doing anything.

Then, again, the exposure of official wrong-doing is sure to have a sobering effect on the bureaucracy. Agitation, therefore, in England must be carried on actively and persistently, not apathetically or intermittently, and I would specially recommend this question to the attention of the Congress. But we must work with courage and determination, without expecting immediate results and confidently leave the issue to time. Above all, we must try to win back the confidence of the English Nation which has been forfeited by the wild utterances of some irresponsible agitators and the lies and calumnies industriously spread by those who hate the people and would keep them in a state of perpetual tutelage. It is these men who led Mr. Morley and the Indian Government to believe that there was real danger of a conflagration, which, we know, never existed. It is these men who have deterred a Liberal Government from making any substantial concessions. It is these men who have induced the English people to distrust not only our loyalty but also our competency to manage our own affairs.

#### CONCLUSION.

I repeat that though our progress may be slow, we must not lose heart; no, not even if the dial is set back; for such things are inevitable in the course of human affairs. But depend upon it, unless History is a record of lies, Englishmen love freedom as their most cherished possession; but do not forget that the freedom they love is freedom broadening slowly from precedent to precedent. I repeat that our object can be achieved only by constitutional agitation and not by leaving Government severely



alone. Visions may be sublime but they are not real ; and a universal boycott, which would make administration impossible, seems to be the figment of a disordered imagination. Privileges have to be manfully fought for, and it would be puerile to turn away from the struggle, simply because our first attempts are not crowned by tangible immediate results. For my part, I have never despaired and I refuse to despair. And I call upon you to fight for your rights resolved not to be beaten, and you will not be beaten. To doubt it is to doubt the justice of our cause. To doubt it is to doubt our courage and the strength of our combination. To doubt it is to doubt the honesty and sincerity of a great people who are bound by every obligation of duty to redeem their pledges. To doubt it is to doubt the irresistible force of moral power in the affairs of nations. We may be baffled for a time, our efforts may be abortive, but I have faith in the justice of our cause, faith in your patriotism, faith in the English nation and faith in the gleaming sword and the uplifted hand of the avenging angel. Let us then work not in sorrow, not in despondency, but in joyful assurance and in the sure trust that our cause shall triumph and our country shall yet take her rightful place in the federation of the Empire.

Brother-Delegates, I have done. But I cannot resume my seat without referring to the tragic occurrence in Bengal on Monday last. We are not yet here at Surat in full possession of the facts, but if, as the short telegraphic accounts seem to suggest, the culprits were really some Bengali lads and the crime was inspired by political motives, this assembly cannot too strongly

condemn the deed or denounce the perpetrators of this dastardly outrage. I cannot conceive of anything more fatal to our aims or more disgraceful to the nation. And in the name of an indignant Congress whose dearest objects they have imperilled, in the name of an insulted nation whose fair fame they have sullied, I denounce the perpetrators of this awful crime.

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## PRESIDENTIAL ADDRESS, MADRAS CONGRESS, 1908.

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*[The following is the Presidential Address delivered at the Twenty-third Indian National Congress, Madras, 1908:—]*

Brother-Delegates, Ladies and Gentlemen,—The fears which for months haunted the minds of some of us have proved groundless. The genial predictions of our enemies so confidently made have also been falsified. For the Indian National Congress is not dead, nor has Surat been its grave. It has been more than once doomed to death but, rely upon it, it bears a charmed life and is fated not to die. It is true a few men have left us, but the Congress is as vigorous as ever. We have now closed up our ranks and though some of us clung convulsively to the hope that those who have now deliberately committed political suicide would still continue to fight the good fight and keep the faith, they soon found out their mistake. There can be no reconciliation with the irreconcilable.

The first ominous sign of a movement which has since unmasked itself appeared in the Benares Congress in December, 1905, after the reactionary policy of Lord Curzon had culminated in the partition of Bengal. It was at Benares that the boycott of English goods which had been started in Bengal by way of protest against the partition of the province was declared to be legitimate not,

however, without some opposition from those who thought that such a step might ultimately end in active hostility to the Government. The new movement started in 1905 reached its second stage in Calcutta, where there was a stormy session, and an open rupture was averted only by the tact and authority of Mr. Dadabhai Naoroji. By that time the new party, who made no secret of their contempt for the Moderates, had sketched out a comprehensive policy of passive resistance modelled on the Irish Sinn Fein. They insisted on a boycott not only of English goods but of the English Government itself, though their policy was veiled under the name of self-help and self-reliance. The relations between the two parties thus became strained almost to the breaking point in 1906, and the struggle had reached a still more menacing stage before we met at Surat last year, when the session had to be suspended amid tumultuous and unedifying scenes. And why?—simply because the Congress refused to be dragged from its old moorings by the new currents which had been set in motion. Our National Congress has, I need hardly remind you, from the very beginning strictly adhered to constitutional methods of agitation and has never encouraged disloyalty of any sort or kind. It is true, like all other institutions, it has passed through the inevitable process of evolution, but it has never, never faltered in its loyal devotion to the Empire. And at Surat it remained firm to its creed and refused to purchase unity at the price of principle and of loyalty.

Now, I will not wander into the boundless realm of the might-have-been but will only say this : Those who

have gone out of us, were never of us, for if they had been of us they would no doubt have continued with us. Our paths now lie wide apart, and a yawning gulf separates us. It is, however, permissible to us still to hope that these wayward wanderers, if I may say so without offence, may yet come back to us and be ours again, joining hands and hearts with us and fighting under the old banner—the banner to which we have always been true, and by which we have again solemnly pledged ourselves to stand, never again to part. But we will not, we cannot, we dare not extend the hand of fellowship to them so long as they persist in their present policy.

We have been charged with having imposed a new constitution without a mandate from the Congress, but I can hardly believe that our accusers are serious. In the first place, I would remind them that there is no question whatever of compulsion or of a brand new constitution. The constitution is not brand new nor is anybody compelled to accept it. In the next place, is it not the idlest pedantry to say that the convention which we were driven to summon at Surat when the regular machinery had broken down—a convention at which over eight hundred delegates were present—had no authority at all to act in the unforeseen emergency which had arisen? If we were always obliged to move only in the beaten path, we could not move at all. "In a wilderness," said Maynard on an historical occasion, "a man should take the track which will carry him home and should not stand crying 'Where is the King's highway? I walk nowhere but on the King's highway.'" There are also other precedents familiar to every student of history. But



what is the use of speaking of precedents or of history or of the counsels of common sense to those who, for their own purposes, are determined to belittle the Indian National Congress?

Brother-Delegates, I must confess it was not without considerable misgiving that I accepted the invitation of the Reception Committee to preside at the present session as I was then inclined in common with most of my countrymen to take a very gloomy view of our position and prospects. For if the situation last year was full of grave anxiety, the year which is just closing was marked by still more sinister omens. I am not, I trust, a pessimist; but a succession of repressive laws and deportations under a lawless law will sap even the most robust optimism. In the course of the last few days, however, the condition of things has entirely changed, and the clouds which darkened the political sky and which we watched so long with fear and trembling are now dissolving in rain.

The clouds you so much dread  
Are big with mercy and shall break  
In blessings on your head.

They are now breaking in blessings over your heads slacking the parched and thirsty earth. English statesmanship which, as Lord Morley justly boasted, has never yet failed in any part of the world, has risen to its fullest height at this critical time, and has seized the golden moment, for it knows the season when to take occasion by the hand, not to suppress but to guide the new spirit which England has created in India. To have dropped the policy of conciliation at the present moment would have been a sign not of strength but of weakness; for in

justice alone lies the strength of rulers—justice which owes no account to the little prudences of the hour. And English statesmanship has dared to be just, because England has a national conscience. It has dared to be just because it knows no fear. It has dared to be just because it has no real faith in the cult of canteen ballads—the tinsel imperialism, which tells us that the white man was created only to bear the burden of the brown.

The reforms which have now been announced were foreshadowed in the King-Emperor's message which came to cheer us in our hour of deepest gloom and dejection, of affliction and of shame. It was truly a message of peace and goodwill, full of the most kindly, most sympathetic, most friendly feelings towards his Indian subjects breathing the same noble sentiments which inspired the Proclamation of Queen Victoria. It has been said that the manifesto is spiritless and rather superfluous. It was not, I make bold to assert, spiritless nor superfluous. It was not spiritless, because it solemnly re-affirmed the great Charter of 1858. It was not superfluous because it distinctly announced a policy of progressive development in the direction of self-government.

The language of the Queen's Proclamation, the keynote of which was the equality of races, was perhaps equally plain on one point. But can any one truthfully assert that it received a generous interpretation in practice? Did not a brilliant Viceroy attempt to explain it away in a famous speech and deliberately lay down the policy of excluding Indians from the higher branches of the service? The National Congress protested against this policy, but Lord Curzon would not pay the slightest

attention to our protest. He would not be Lord Curzon, if he did. We have a right to bring against his Lordship the same charge that Shylock brought against Antonio :—' He hath scorned my nation '—a nation justly proud of their literature, justly proud of their philosophy and justly proud of their ancient civilization.

We are now, Brother-Delegates, on the threshold of a new era. An important chapter has been opened in the history of the relations between Great Britain and India—a chapter of constitutional reform which promises to unite the two countries together in closer bonds than ever. A fair share in the government of our own country has now been given to us. The problem of reconciling order with progress efficient administration with the satisfaction of aspirations encouraged by our rulers themselves, which timid people thought was insoluble, has at last been solved. The people of India will now be associated with the Government in the daily and hourly administration of their affairs. A great step forward has thus been taken in the grant of representative government for which the Congress had been crying for years.

One of the leading features of the proposed reforms which are all based upon a progressive policy is the extension of local self-government, perhaps the most potent instrument of political education. This is not entirely a new departure, but the policy with which the honoured name of Lord Ripon will always be associated never had a fair trial. A single-minded English nobleman of the best type, Lord Ripon believed that righteousness exalteth a nation. He believed that a nation like an individual has a conscience, and that England's

duty to India would be discharged only by making the people gradually fit for self-government. The development of local self-government was, therefore, one of the objects nearest to his heart. But who does not know the fate of the measures introduced by him? Who does not remember the angry controversy which surged round Lord Ripon's administration? Who does not remember the threats of a white mutiny? Who does not remember the open insults to the Queen's representative? It was not the Ilbert Bill, Brother-Delegates, which convulsed the Anglo-Indian world, but Lord Ripon's attempt to give the local representative councils some actual share in the government of their district. And it was certainly not his Lordship's fault if the reforms proposed by him proved a mere Barmecide feast.

But we are no longer going to be fed on illusions. Henceforth we shall have an effective voice in directing the policy of the Government in the administration of the country. Henceforth we shall be able to initiate discussion on all questions of public importance, and to pass resolutions which, though they may not be binding upon the Government, are sure to receive attention. Indian members will also be admitted to the Executive Councils. The debate on the Budget again will be a real debate and not a mere academic discussion, while the right of interpellation will be considerably widened. Henceforth too the executive will not be able to control all provincial legislation. In a word, we shall now have something like a constitutional government in the place of an autocratic and irresponsible administration. Lord Morley has also promised, not obscurely, that the Bombay and Madras

system will be introduced into the larger sister-provinces. And if the principle of dispensing with an official majority has not been for the present extended to the Imperial Council, we have no doubt its application will not long be withheld, if the result of the experiment in the Provincial Councils proves satisfactory.

The reform scheme has no doubt been very carefully thought out, but it is impossible to say that it is not susceptible of improvement. And it is quite open to you to suggest such alterations as would facilitate its practical working, and I am sure any reasonable representations made by you will receive every attention from the authorities. I would therefore invite your attention to the best method of securing the proper representation of the people in the Legislative Councils, and in this connection I would ask you to consider the question of the constitution of the electoral colleges. It would also be for you to consider whether the appointment at least of one Indian member to the Executive Councils should not be guaranteed by Statute, instead of being left to the pleasure of the Secretary of State for India for the time being. We cannot always have a Morley at the helm in England, nor a Minto at the head of the administration in India.

Brother-Delegates, we do not know what the future destiny of India may be. We can see only as through a glass darkly. But of this I am assured, that on our genuine co-operation with the British Government depend our future progress and the development of a fuller social and political life. Of this also I am assured that the future of the country is now in a large measure in our own hands. And we owe it to ourselves, we owe it to the



Government which have generously recognised the justice of many of our claims, to show that we are deserving of the confidence of our rulers. And, above all, we owe it to our countrymen to give that generous support to the Government which can alone promote their happiness and lead to further reforms. If we are apathetic or do not wisely exercise the privileges now given to us, we shall show to the world that we are unfit for the duties and responsibilities of citizenship. The fault will be ours—ours too the humiliation and the disgrace. Remember that our enemies will always be on the watch, and if we fail to discharge our duties properly, the fate of the country will be sealed. Speaking for myself, I have no such craven fears. I am confident that we shall all loyally co-operate with the Government in promoting the welfare of the country. And I am equally confident that such co-operation will strengthen existing authority and impart to the administration an efficiency which a foreign bureaucracy with the best intentions can never hope to attain.

To the impatient reformer who thinks that the proposed measures are in some respects inadequate, my answer is, that to disdain anything short of an organic change in institutions is nothing of political madness. Remember there is no finality in politics, and the most ardent patriot must see the wisdom of accepting reforms, which, if they give satisfactory results, are sure to lead up to larger reforms. Of one thing I am certain. The nation as a whole will accept these reforms not in a spirit of carping criticism, but with the deepest gratitude.

And this reminds me that we cannot be too thankful to Lord Minto, who has displayed a rare courage and firmness in trying times and has steadily refused, though determined to put down lawlessness, to follow the unwise policy of his predecessor, which has given rise to all those troubles he is meeting so manfully.

Lord Curzon seems to think that he has seized the full meaning of the new movement. In his lordship's opinion, and we know, that what Lord Curzon asserts even once must be true, the whole of the unrest is due to the study of Mill on Liberty and Burke on the French Revolution. Lord Curzon also speaks of the victory of Japan over Russia and the whispering galleries of the East, and protests against the notion that the readjustment of the boundaries of Bengal—his euphemism for the partition of the province—has in any way contributed to the ferment. Now I confess I cannot speak with the authority of Lord Curzon; for I know of no calculus which can integrate the minute but powerful forces which are stirring in the hearts of New India. But I may remind you that the history of the unrest was sketched by a master hand only the other day in England, and I am not presumptuous enough to think that I can improve on the picture drawn by Mr. Gokhale. I will only venture to add that acquittals or very light sentences in some criminal cases in which the accused belonged to the governing race have contributed not a little to the general discontent. Another potent cause which many thoughtful Englishmen have noticed with deep regret is the insolence and the overbearing language of some members of the ruling class.

Of course, we do not, for obvious reasons, expect to find in the manners of every Englishman in this country the repose which stamps the caste of Vere de Vere, but aggressive rudeness in language and behaviour might easily be avoided.

By one of those strange ironies of fate, so common in political history, Lord Minto was called upon to face the unhappy consequences of Lord Curzon's policy. He felt himself compelled owing to growing discontent to enact repressive laws, to restrain freedom of speech and of public meetings. But as all experience tells us, secret crime invariably dogs the footsteps of coercion. That which has happened in every other country happened in India—discontent was driven beneath the surface. The effect of repression on those who were too young to be wise, too impulsive to be rational, has been simply disastrous. Some of them who at first refused to meddle with Cæsar or with the things that belonged to Cæsar and said they would obey him in his place, began to dally with treason and were not long in embracing it, for the first false step in all such cases generally leads by a tragic necessity to that easy descent with which we are all familiar. But the number of such persons was very small, infinitesimally small. And Mr. Tilak, for many years the central figure in the new movement in which he played a notable part, shall be my witness. That gentleman very candidly told an Englishman who was travelling in this country last year, "Certainly, there is a very small party which talks about abolishing British rule at once and completely; that does not concern us; it is much too far in the future. Unorganised, disarmed and still disunited we should not

have a chance of shaking the British suzerainty." It cannot certainly be shaken by a little picric acid and a few flasks of gunpowder.

And this leads me to remark that we have been charged with having maintained an ignoble silence in this time of crisis. Our first answer to this indictment is that we have not been silent. Our second answer is that, we have no faith in mere protestations of loyalty which must be superfluous. When certain British subjects in the Cape told Lord Milner that they were loyal to the Crown, his lordship replied, "Loyal, of course you are loyal, it would be monstrous if you were not." Let us free our minds of cant, of "nonsense talk" to use the language of the Maharaja of Benares, a phrase which, I believe, is destined to be historical. What, I ask, would an Englishman say if he was asked to join in a loyal demonstration,—what would be his feeling? Would he not treat the invitation as an insult? As I said only the other day from my place in the Viceregal Council, we must be mad if we were really disloyal. But we disdain all spurious loyalty. We are not Pharisees. We do not wear our loyalty on our sleeves, for it is above all suspicion. To doubt our loyalty is to doubt our sanity. We condemn from the bottom of our hearts all seditious movements and we condemn anarchism most; because it is opposed to the laws of God as well as of man. But with the reforms in the administration, we are confident that sedition will wear itself out. Anarchism sometimes dies hard. But it will die, is bound to die in Hindustan, because it is in opposition to the best traditions of our race. Anarchism, I repeat, is bound to die, because it is

in opposition to all those precepts of pity and of compassion for the lowest of God's creatures, which are our great, our priceless heritage, and which have raised man from a brute, to a height a little lower than the angels.

A season of universal rejoicing is not the time to make unfriendly criticisms on the action of the Government in enacting repressive laws, and I hope and trust that the memory of these drastic measures will now be buried in oblivion in the same grave with the misdeeds of a few misguided political fanatics. We must also remember that though the Government have been armed with some new weapons, they have been rarely used. Thus the Public Meetings Act was put into force only in one district and that only for one year. The Press Act again has been called in aid only in three cases. Speaking for myself, I am not enamoured of a measure which is a serious menace to the freedom of the Press. But in fairness to the Government we should remember that in the present state of the country a temporary measure of the kind was perhaps necessary. The distinction between the approval of a recent crime and the discussion of an abstract proposition, like the morality of the action of Harmodius and Aristogiton, is always very fine; but those who engage in such discussions in times of public excitement should know that they can only do so at their peril. I trust, however, that when the present excitement subsides, prosecutions for seditious writings or speeches will be very rare. Incitements to violence must be punished and organised lawlessness must be put down with a strong hand. But history shows that you cannot prevent the spread of opinions, however mischievous, by sending the



speaker or writer to gaol ; for you cannot imprison the mind. Outrages, and direct incitements to outrages, must, I repeat, be punished and punished severely. But argument can only be met by argument. Coercion and even the appearance of coercion tend to create only distrust and suspicion. We all know the story of Jupiter and the rustic who listened with attention as long as the god tried to convince him by argument, but when on his happening to hint a doubt, Jupiter threatened him with his thunder, said, " Now I know that you are wrong, Jupiter, for you never appeal to your thunder when you are right."

And this brings me to the numerous prosecutions for sedition during the course of the year. There have been altogether, I believe, about twenty prosecutions and as many convictions. A prosecution for sedition, however, ought not to be started merely because a conviction is certain ; for in moments of political passion when feeling runs high, an editor or speaker who is convicted of sedition, however rightly, is sure to be regarded by a section of the people as a martyr. And we do not want any fresh additions to the new Indian hagiology. The roll is already long enough. " He has set his heart upon being a martyr," said William the Third of an acrimonious Jacobite, " and I have set mine on disappointing him." Lord Macaulay contrasts the policy of William the Third with that of his father-in-law, who refused to remit a cruel sentence of flogging passed upon a clergyman, saying " Mr. Johnson has the spirit of a martyr, and it is fit that he should be one." " These two speeches," observes the historian, " would alone suffice

to explain the widely different fates of the two princes." I am I know, stating a mere commonplace fit to adorn copy books, when I say, that criticism, however trenchant or drastic, cannot do much harm, so long as the administration is in a sound condition. It is sure to come to naught; for it must always be powerless against the innate conservatism of a settled and civilized society. The true secret of the power of agitators is, as Macaulay pointed out long ago, the obstinacy of the rulers. A liberal government always makes a moderate people; and this is as true of the East as of the West.

It has been said by a well-known writer on constitutional law that the legal definition of a seditious libel might, if rigidly interpreted, put down all prevailing forms of political agitation. But a jury are not bound by a too strict interpretation of law, and a man, therefore, may publish any thing in England, which twelve of his countrymen think is not blamable. In India, where in trials for sedition, the safeguard of a jury composed of the countrymen of the accused is wanting, a prosecution can only be justified, when the public peace is imperilled by wild writings or speeches. As the Court of Directors said, not only should justice be done, but people should be made to see that justice is being done. When, however, an Indian is convicted of a political offence I do not know of any glasses which will make his friends see that justice has been done.

However this may be, the severity of the sentences in many cases has undoubtedly called forth very strong comments even from those who have no sympathy

whatever with seditious utterances. Braxfield was not a model Judge. But no candid man can deny that the convention which sat in Edinburgh towards the end of the 18th century actually aimed at revolution. It was only the harsh sentences that sank deep into the minds of the Scottish people, whose feelings found expression half a century afterwards in the Martyrs' Memorial on Cotton Hill. Now the East may be the East, and the West may be the West, as the uncrowned Poet Laureate of the new imperialism assures us. But the propriety of a sentence is not a question of latitude and longitude. It is also permissible to doubt whether a system which places political offender on a level with ordinary criminals is absolutely perfect. They should at least be spared the humiliation of herding with felons.

Would it be too presumptuous to hope that if everything goes on well and the country settles down, as it must in a short time, a general amnesty will be granted to all political offenders and that those who have been deported will be restored to their homes? Would it again be too presumptuous to hope that the Partition of Bengal will be modified? A more unpopular measure was never passed by the Government. Our grievances may be a mere sentimental grievance, but a sentimental grievance really means a grievance that is felt. The wound which was inflicted in 1905 will never heal, and it would be lamentable, if the success of Lord Morley's liberal policy was jeopardised in the slightest degree by his failure to undo a grave administrative error—the greatest blunder, according to Lord McDonnell, ever

made in India. I have pleaded more than once for the modification of the Partition, and have no desire on the present occasion to repeat myself. But this, I am bound to say, even the liberal concessions now made may, in some measure, lose their savour, if this great administrative blunder is long allowed to remain unredressed. The Partition may be a settled fact, but it is still an unsettled question.

I find I must stop. I should have liked to say a few words on the rapid and appalling growth of military expenditure and the recent addition of an annual burden of forty-five lakhs of rupees against which Lord Minto and his Council, always watchful of the interests of the Indian tax-payer, have entered a strong protest. I should have also liked to say something on the delay in carrying out the solemn promise made nearly two years ago, that primary education shall be free and judicial functions separated from the executive. I should have also liked to make a few remarks on the high mortality from plague and malaria, on the Universities Act and Regulations which many people fear are likely to hinder the growth of high education in this country. But I feel I cannot detain you much longer.

I cannot, however, conclude without referring to the very severe loss which the Indian National Congress has sustained in the death of Mr. Ananda Charlu. India was still mourning the loss of her foremost lawyers, when our friend followed Sir Bhashyam Ayyangar to the grave. A distinguished scholar and a great lawyer, Mr. Charlu will perhaps be best remembered as one of the pioneers of the Congress movement. Behind a playful

humour, there was in him a singleness of purpose, a devotion to duty and an independence of character, which made him a most prominent figure in the public life not only of Madras but of the whole country. He has been taken away from us at a most critical moment when more than ever his wisdom and experience would have helped us in our deliberations. But, as I have said more than once, men like Mr. Ananda Charlu do not really die.

Mourn not therefore, nor lament it,  
That the world outlives their life ;  
Voice and vision yet they give us,  
Making strong our hands for strife.

It only remains for me now to thank you for the honour which you have conferred upon me. Believe me, I am not using merely an idle phrase when I say that I am proud of the distinction ; and I am especially proud of my good fortune in being privileged to preside at this meeting, as the present year will be a memorable year in the history of the country. But those who succeed me will, I will make bold to say, be still more fortunate. For they will, I hope, at no distant date be able to congratulate the country on a substantial reduction in the military expenditure and a more equitable division of the burden. They will also, I hope, be able to point to the steady substitution of Indian for European agency in the public service, to the wider and wider diffusion of primary education, to more and more improved sanitation, to a larger and larger reduction of the land revenue and the ultimate repeal of the tax on salt which is still a heavy load on the poor. They will also, I hope, be able to tell the assembled delegates



how the success of the experiment which is now going to be made has encouraged the Government to give the people a larger and larger control over the financial and executive administration of the country. They will also, I hope, be able to tell their audience how the Indian is no longer treated as an undesirable alien in any part of the Empire, and how the bar-sinister has been completely wiped out. They will also be able to congratulate the country on the repeal of Regulation III of 1818, a barbarous relic from the past—an unweeded remnant which ought to have been extirpated long ago. They will also, I hope, be able to point with pride to social and material progress, to the growth of indigenous industries, to the investment of Indian capital in the development of the resources of the country, to improvements in agriculture and to the growing prosperity of the masses now plunged in hopeless poverty. They will also, I hope, be able to tell their audience that the establishment of technical colleges and the promotion of works of irrigation have for ever driven away the gaunt spectre of famine from the land. And when in the fulness of time the people have outgrown the present system of administration and have proved themselves fit for self-government, an exultant President of the Indian National Congress will be able to announce to a united people amid universal rejoicing the extension to India of the colonial type of Government.

But pray do not misunderstand me; and, to guard myself against any possible misconception, I am bound to tell you that this ideal is not likely to be realised in the near future. But to those who say that it is absolutely impossible of attainment and mock at our hopes

our answer is plain. We may assure them that we are not the slaves of mere phrases. We are not impatient Utopians filled with ecstatic visions ; for we know of no talisman which can make a nation in an hour. We know that our hopes are not likely to be realised in a day. We know that for years we may not have even a Pisgah sight of the promised land. But to blot out the ideal is, according to the Greek saying, to take the spring from out of the year. It is at once our solace and our inspiration, our pole-star to guide us. We know that in the struggle we shall suffer many defeats. But there are defeats which do not involve any disgrace. There are repulses which carry no humiliation. And if ever we are seized with despondency we shall not forget that, in a national movement, endurance itself is a victory and the keeping alive of the national spirit is itself an end. Our triumph may be very remote but depend upon it, we can never suffer permanent defeat. And we are determined to fight the good fight with unextinguishable faith, with unwavering hope and strenuous patience, nerved and sustained by the conviction that a just cause can never fail with the people of England. In quietness and in confidence shall be our strength and persuasion and discussion shall be our only weapons.

The wisdom of confining ourselves only to aims which are immediately capable of being realised is not true wisdom, for I believe with Lord Acton, most philosophic of historians, that the pursuit of a remote and ideal object arrests the imagination by its splendour and captivates the reason by its simplicity, and thus calls forth energy which would not be inspired by a rational.

possible end, confined to what is reasonable, practicable and just. But we are not impracticable reformers, for we know that there is a time and season for everything and that all questions are not for all times. I repeat we cherish no illusions. We know that the way is long and hard, we know the danger of taking even a single unwary step, but we are determined to make the road easier for those who will follow us in ever-increasing numbers.

Man goes forth unto his work and to his labour until the evening. But the evening comes before his work or task is done. Others, however, will take up the work which is left unfinished. Yes, a younger generation will take up the work who will, I trust, have some kindly thoughts for those who too in their day strove to do their duty, however imperfectly through good report and through evil report, with, it may be, a somewhat chastened fervour, but, I may say without boasting, with a fervour as genuine as that which stirs and inspires younger hearts.

Others I doubt not, if not we,  
The issue of our toils shall see;  
Young children gather as their own,  
The harvest that the dead had sown ;  
The dead forgotten and unknown.

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## PART II.

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### SPEECHES IN THE IMPERIAL LEGISLATIVE COUNCIL.

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#### SEDITIONOUS MEETINGS BILL.

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*[At a meeting of the Supreme Legislative Council held at Simla, on November 1, 1907, the Hon'ble Sir Harvey Adamson moved that the Report of the Select Committee on the Seditious Meetings Bill be taken into consideration. This speech was made in opposing the motion :—]*

My Lord, I am not using a mere phrase of course when I say that I was never oppressed by a sense of responsibility so deep or so solemn as on the present occasion. I am well aware that one of the first duties of the State is to preserve law and order, and if I thought that either law or order was menaced or that public tranquillity could not be maintained unless the Government were armed with the power which they now propose to take, I would be the first to vote in favour of the Bill, and to vote for it with all my heart. But we have been assured on the highest authority that the present situation is not at all dangerous, and that the heart of India is quite sound. The so-called unrest, we have been also told by one who ought to be a competent

judge, is only skin deep—a cutaneous affection which will readily yield to judicious treatment. Again, only in June last, Mr. Morley said that the disturbances were merely local and sporadic. Now, what has happened since? Is the condition of the country now worse than it was in June, and would not the passing of the present Bill be taken as a sign of that very nervousness, trepidation and fear which, Mr. Morley thought, would be not only unworthy of, but extremely perilous to, the Indian Government?

My Lord, I am not in the confidence of the police or of special correspondents to the English press, and cannot therefore speak with papal infallibility; but I can solemnly affirm that though there is some discontent which may possibly by injudicious measures be turned into sedition, the people of India are thoroughly loyal. If anybody doubts it, let him recall the manifestations of loyalty which followed the Prince of Wales everywhere, when he visited this country. Calcutta was at the time in a fever of agitation and excitement, as Bengal was weeping for her children, and would not be comforted because they were not, and yet the Prince was received with demonstrative enthusiasm which showed beyond all cavil or controversy our devotion to the Crown. Do not be misled by the foolish speeches of a few irresponsible men, but remember what Burke says about the noise that a few crickets can make in a field. Do not, I pray you, by exaggerating the danger, play into the hands of the seditious agitator. Yet, this is precisely the thing that Sir Harvey Adamson's Bill, which casts an undeserved slur on the loyalty of three



hundred millions of men, is calculated to do, for it is nothing more, nothing less than an indictment against the whole nation. I also believe that this measure, if carried, will have a serious effect on the good people in England who are daily fed with stories of Indian unrest, which would make one's flesh creep, invented by men who, though they may have grown up in this 'land of regrets,' cannot certainly plead the excuse of youth. These 'literary assassins,' to use a phrase made canonical by Cobden, and their abettors will now be able to say that they were right, and will have the doubtful satisfaction of seeing our financial credit crippled. The Bill will also be welcome to one small section of the people—I mean the Extremists, for it will enable them to adorn their perorations with references to Russian methods of Government. For, whatever precautions you may take, speeches will continue to be delivered. You cannot effectually gag one-sixth of the population of the world.

My Lord, I do not wish to indulge in well-worn commonplaces about the futility of coercion—the danger of sitting on the safety valve, for instance, which must be familiar even to men less gifted than Macaulay's forward schoolboy. But I must remind Hon'ble Members that the Irish question yet remains to be solved. It has certainly not been solved by the numerous Coercion Acts, fifty in number, which bulk so largely in the Statute Book. In that unhappy country—the 'Isle of Destiny'—agitation has led to coercion and coercion in its turn to greater and more dangerous agitation. But I am perhaps forgetting that Ireland is a cold country, where a fur coat might be useful and therefore the analogy may not quite hold good.

One thing, however, I may safely assert, and that is that in Ireland as well as in India the application of drastic remedies to skin diseases which rapidly disappear under mild treatment always leads to serious complications. Is there any reason for thinking that this is not true of the body politic? The measure now before the Council may secure for a time outward quiet by driving sedition underground, but its inevitable fruits will be growing discontent and distrust, which may under repression readily slide into disaffection. It will thus create more evils than it can possibly cure. And this reminds me that the movement in the Punjab was mainly agrarian and was arrested by your Lordship's refusal to give your assent to the Colonisation Act, and not by the Ordinance; the powerlessness of which to keep down unrest is shown by the fact that there are no signs of improvement in East Bengal.

My Lord, we have no doubt whatever that in devising the present measure, the Government have only the interests of peace and order at heart. But authority which is compelled to be severe is liable to be suspected, and, when it seizes the rude weapons of coercion, its motives are liable to be misconstrued. People are everywhere asking, in fear and in anxiety, what next and next. What is to be the end of this new policy? For the spirit of coercion is not likely to die for lack of nourishment, as it makes the meat it feeds on, and trifles light as air are to it confirmations strong, shall I say, as an Indian police report or a scare telegram from our 'own correspondent?'

I repeat that the situation is not in the least dangerous and an overreadiness to scent danger is not one of

the notes of true statesmanship. But suppose I am wrong and the position is really critical, what does it prove? It proves, unless we are afflicted, not merely with a double or even a treble, but with a quadruple dose of original sin, that the Government of the country is not the most perfect system of administration that some people imagine.

My Lord, I began by saying that this Bill is an indictment of the whole nation. If, however, it is true, and this can be the only justification for the measure, that India is growing more and more disloyal, this Bill is really an indictment of the Administration. The position must then be reversed. The Government, and not the people, must then be put on their defence. There is no escape from this dilemma. If there is no general disaffection, you do not want this drastic measure. The prairie cannot be set on fire in the absence inflammable materials to feed it. If, on the other hand, a spirit of disloyalty is really abroad, it must be based on some substantial grievance which will not be redressed by Coercion Acts. You may stifle the complaints of the people, but beware of that sullen and ominous silence which is not peace, but the reverse of peace. Even immunity from public seditious meetings may be purchased too dearly.

And this reminds me too that the present Bill, which the Member in charge of it frankly admits, is a repressive measure of considerable potency, does not seem to be modelled on any law of which I am aware. It may possibly be based on some Ukase, though the definition clause seems to be quite original. I cannot, however, speak with confidence, because I never had occasion during the last

forty years to study the jurisprudence of Russia, and I sincerely trust I shall not now be called upon to do so. There is no such law in Italy or Belgium, France or Switzerland, though the seditious agitator is not an unknown figure in Europe, which is honeycombed with secret societies of Anarchists and Socialists. Riots, too, which the soldier is often summoned to quell, are not infrequent; and yet there is no such drastic law in any of these countries for the suppression of public meetings. In America, as Hon'ble Members are perhaps aware, the right of public meeting is safeguarded by the very constitution of the United States, which provides that Congress shall make no law "abridging the freedom of speech or of the press, or of the right of the people, peaceably, to assemble and to petition the Government for a redress of grievances." And this has also been the wise policy of the English law, which was interrupted only for a short time in the Georgian period when the public mind was much excited by the events in France; but Lord Sidmouth's Act which did not absolutely prohibit but merely forbade any meeting of more than fifty persons to be held, unless six days' notice was given by seven house-holders to a magistrate, almost fell still born, and is now remembered only on account of the Cato Street Conspiracy which was its immediate outcome.

My Lord, it has been said by a very high authority that, in view of the activity of the Extremists, it would be the height of folly not to try to rally the Moderates to the side of the Government, but surely, surely, repressive measures are not the best method of

attracting their loyalty. The right of personal freedom and of meeting in public has always been regarded by us as an inalienable privilege of every subject of the British Crown. But we were painfully reminded only the other day that we may be deported without a trial, and now that the right of public meeting is going to be taken away from us, with what face an Indian subject of His Majesty say *Civis Romanus Sum*, which was at one time his proud boast? We must speak out our convictions, and that, in no hesitating or diffident notes, since our dearest interests are at stake, for this Act, if passed—we know how it would be administered—would, I fear, prove the grave of all our political aspirations. You are taking away from us who have not even that which we have. Put down disorder by all means. The civil sword is at present strong enough for that purpose; but do not kill the free play of thought or the free expression of it. In the organ notes of Milton, which may still be heard across these centuries, "that would be the slaying of an immortality rather than a life." In pleading in those impassioned words, which nobody who has read them can ever forget, for the liberty "to know, to utter and to argue freely according to conscience as a liberty above all other liberties," the great protagonist in the arena of free discussion points out that England "needs no policies, no stratagems, no licensings to make her victorious," neither, I should add, at home nor abroad. And it is to this freedom of discussion that England owes, among other blessings, the abolition of the slave trade and slavery Catholic Emancipation, Parliamentary Reform and the Repeal of the Corn Laws. It may be, we have been so



long in the house of bondage, that the blaze of liberty has dazzled and bewildered some weak eyes. But in time we shall become accustomed to the light and be able to bear it. Before that time arrives, violent opinions may be sometimes expressed; but folly, if treated with forbearance, has generally a short life.

It is said that we are intoxicated with the new wine of freedom, that Locke and Milton, Fox and Burke, Bright and Macaulay have unsettled our minds. But those who say so take no account of the Time Spirit against which even the Olympian gods must fight in vain. I trust I am no dreamer of dreams; But I see that what is passing before us is a social and political evolution. You may guide it, but you cannot arrest it, any more than you can make to-day like yesterday. Silent and as yet half-conscious forces are at work, which a wise statesman will harness to law and order by timely concessions. But a reactionary policy will only make the last state of the country worse than the first; for angry passions, which under milder measures would have died away, will stiffen into deep and lasting hatred; and the infection is sure to spread with time.

Are the Government, I ask, afraid of the rent of a few agitators? Are the police unable to preserve public order and has the Magistrate ceased to be a reality or is the Statute Book a dead-letter? If the free right of public meeting is abused, is the ordinary law incapable of punishing such abuse? The question really comes to this—is the right to meet in public for the discussion of political matters to be taken away from us simply because it is liable to abuse? There was no attempt to

interfere with the right in England after the 'No-Popery' riots when London was held by the mob for two days together, or even after the Reform riots when Bristol was sacked and the Magistrates were powerless. It is true, public meetings have been sometimes suspended in Ireland, but does the condition of India in any way resemble that of Ireland? Are there any cattle-maimers, incendiaries or agrarian or Phoenix Park assassins in India; is there any association which openly preaches killing is no murder? Thousands of mass meetings, we all know, have been held in Bengal, every one of which was orderly except on a recent occasion where the police were sent to keep order, which showed that the custodians of the public peace themselves require a custodian. But if the salt bath lost its savour wherewith shall it be salted?

We do not however object to the admission of the police to meetings, which are really public, but what is the justification, and where is the necessity, for clause 5 of the Bill? It is true, Sir Harvey Adamson told us, that public meetings can be prohibited only by officers of high standing and of large experience. But his assurance will hardly satisfy those who have read Bentham's Book of Fallacies.

It has been said that a loyal community has no more reason to apprehend any evil from the application of these powers than from the imposition of the British death duties. But this, I venture to think, is the reasoning of men who live in closets and are unacquainted with practical affairs. The answer to this sort of argument is to be found in the speech of Sir Charles (afterwards Lord) Russell, Chief Justice of England, on

the Irish Crimes Bill. As to public meetings, he said, they would be told with sincerity and truth that the only object of the clause was to prevent meetings which were treasonable or seditious or openly hostile to the peace. Such professions, added the distinguished speaker, might be made in perfect good faith, as they had been on previous occasions ; but he feared the public meetings clause would be so applied as to put down the free expression of public opinion in Ireland, and the people would believe them to be directed to that object.

Now, if such things can take place in a green tree what may not happen in the dry. It is notorious that in this country we have even less to fear from a bad law than from its administration by the machinery entrusted with the task. And I have no hesitation in saying that if this Bill is passed, it will make the police who are the eye and the ear of Government, the absolute masters of the people, who will be handed over to the tender mercies of a body of public servants by no means the most efficient or the most immaculate. And their domiciliary visits, which I take it, will not be few or far between, will be sure to lead to breaches of the peace among a people to whom the sanctity of their homes is something more than a mere phrase. We have been told that the object of this Bill is to insure the free admission of the police to all public meetings only for the purpose of taking notes of any seditious speeches that may be made ; but does anybody seriously believe that the Indian police are equal to the task ? It may be easy to provoke a riot. It is sure to be provoked if

private houses are invaded, but it is not quite so easy to report a speech correctly.

My Lord, I wish to speak with all reserve, but I am bound to say that even the action of our Magistrates, who are part of the executive, will be regarded with distrust as not possessing either adequate knowledge of the law or that judicial temper which is so essential to the discharge of those delicate duties which will now be entrusted to them. If any Hon'ble Member is inclined to think that my misgivings are unfounded, let him study the comments in the Irish press on the cases, and their name is legion, decided under the Coercion Acts.

Not only is the measure in my humble judgment uncalled for and impolitic, but it is also superfluous, as the Indian Statute Book gives the Government ample powers to put down sedition. You will find the iron hand concealed in the velvet glove in section 108 and also in section 144 of the Code of Criminal Procedure, which enabled the Magistrate of Calcutta only the other day to prohibit public meetings. Unlawful assemblies again may be dispersed under sections 127 to 132 of the Criminal Procedure Code, while open sedition may be punished under sections 124-A 153-A and 505 of the Indian Penal Code.

My Lord, I wish to speak with that loyal frankness which is the best proof of true loyalty, and I repeat that repressive measures, like the present, would put a severe strain on the loyalty of the educated classes who have been considerably exercised in their minds by the resurrection of Regulation 3 of 1818 and by the Ordinance of May last. I am well aware that we are spoken of as

microscopic minority, an alliterative phrase which seems to have the same soothing effect on certain minds as that sweet word 'Mesopotamia.' But the influence of the educated classes is not to be measured by their number; and one of the effects of the Bill, it is my duty to warn you, will be to drive some of them into the camp of the Extremists.

It has been said that this Bill is a measure of great potency. I agree—but potency for what purpose? For putting down sedition? I say, no. It will be potent for one purpose and one purpose only, the purpose of propagating the bacillus of secret sedition. The short title of the Bill I find is—a Bill for the Prevention of Seditious Meetings, but I venture to think the title requires a slight addition. It ought to be amended by the addition of the words 'and the Promotion of Secret Sedition.' Order may be kept, peace may reign in India; but this measure will produce the greatest disappointment among those by whom, though they may not be the natural leaders of the people, public opinion is created and controlled. The logic of coercion, we all know, is charming in its simplicity, but its authors forget that they cannot coerce thought—they cannot make men loyal by legislative enactments. It is true a policy of thorough may, for a time, be successful, but no Englishman at the present day, except possibly some of the oracles of the press, would counsel anything of the kind.

I am sorry to find that the Hon'ble Home Member's mind is filled with despair on account of the coldness with which the recent reform proposals, which, I may mention in passing, are merely tentative, have been received by



those whom he calls the irreconcilables. But this is not the feeling with which English statesmen have approached the Irish question. They have never lost heart because they were unable by the most generous concessions—they were bread and not something else—to win the affections, I do not say of the irreconcilables, but even of the most reasonable and intelligent among the Irish people. The motto of English statesmen has always been 'Be just and fear not.'

My Lord, for the first time in the history of the word, as Mr. Morley said not long ago, a strong and effective administration has been found not only compatible with free institutions, but has been all the more effective by their side; and he recommended a continuance of this noble though arduous policy; because it is noble, and because it is arduous. Let it not be said that your Excellency's Government found this noble and glorious task too arduous.

And now I must stop. I trust I have said enough to justify my vote. I do not oppose this Bill in a party spirit, for there are no parties in this Council, nor have I any desire to embarrass the Government. I oppose this Bill because I am fully persuaded that it is foredoomed to failure. I oppose this Bill because it will intensify and not mitigate the evil which you are seeking to guard against. I oppose this Bill, it is no paradox, because I am a friend of law and order, both of which are menaced by it. I oppose this Bill because the Government already possess all the power they can reasonably want in the armoury of the Penal and the Criminal Procedure Code. I oppose this Bill because it violates all the

liberal traditions which have up to this time guided the Government. I oppose this Bill because I wish to see the English rule broad-based on the people's will, and not resting merely on the sword, whether Indian or British. And, lastly, I oppose this Bill because it will kill all political life in this country.

My Lord, we are conscious that we are fighting a losing battle. We know we shall be defeated, but we shall not be dejected. For there are some defeats which are more glorious than victories, and we shall count this among their number. We have been taught and have learnt to value the right of public meeting as one of our dearest rights, and we should have been unworthy of ourselves, unworthy of the trust reposed in us, if we quietly submitted to a measure which would be so fatal to all national growth. In our defeat, however, we shall be sustained by one great consolation, the consolation of having endeavoured, according to our lights, to do our duty to the Government and to the country.

One word more. It is unfortunate that the 1st of November should have been fixed for this meeting. That day has always been associated in our minds with the gracious Proclamation of Queen Victoria. It will henceforth, I fear, be associated with the loss of one of our most cherished rights.

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## THE LAW RELATING TO PARTITION.

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*[Speech in moving for leave to introduce a Bill to amend the law relating to Partition at a meeting of the Supreme Legislative Council held on the 25th March, 1892 :—]*

I propose to state briefly the present condition of the law on the subject, the alterations it is proposed to introduce and the grounds on which such alterations would seem to be desirable. In this country, where co-parcenary is one of the commonest modes of holding property, the proper method of effecting a partition must always be a question of considerable importance. But if we except the different local laws concerned with the division of revenue-paying estates, the only statutory enactment on the subject is to be found in section 396 of the Civil Procedure Code. Under this section, which embodies the practice of the English Court of Chancery prior to the Partition Act of 1868, a commission is used by the Court to certain persons—the canonical number is three—who are directed, in the first instance, to ascertain and inspect the property and to divide it into the requisite number of shares, with authority in some cases to make payments in money by way of equality of partition. The next duty of the commissioners is to prepare a report, or, if they cannot agree, separate reports, which are however liable to be quashed by the Court, when a new commission is issued in the same terms and with possibly

the same result. In England, this cumbrous, dilatory and expensive procedure has now been replaced in most cases by the much simpler method of a sale of the property and a division of the proceeds. Under the old Chancery practice, however, which has been reproduced in our Code, no amount of inconvenience or practical difficulty, however great, could prevail against a claim for partition by metes and bounds. I will here give only one illustration. In the well-known case of *Turner v. Morgan*, reported not in the pages of Dickens but in Vesey, where a house had to be divided between two persons, and one of the parties insisted upon a partition by metes and bounds, the Lord Chancellor said that out of mercy to the parties he would let the case stand over, as the worst thing for the parties would be a decree for partition, and 'His Lordship suggested a reference as to the value and to which party the option of buying or selling should be given. The suggestion, however, was not accepted, and when the commissioners allotted to one of the parties the whole stack of chimneys, all the fire-places, the only staircase and all the conveniences in the yard, the Lord Chancellor declined to interfere, because he did not know how to make a better partition.

In India cases like *Turner v. Morgan* are, as might be expected, of frequent occurrence, and, as observed by Babu Amrita Lal Chatterjee, a Subordinate Judge of mature experience, one perverse member of a family may by his obstinacy practically ruin the whole property. The learned Judge mentions what he calls a typical case of its kind, and adds, 'such cases, though not very common, are not very rare in the country.' Mr. Neill, the Judicial

Commissioner of the Central Provinces, also speaks of the extreme difficulty of partitioning some kinds of property under the present law, and points out that partition is not unfrequently made the occasion of annoyance by ill-conditioned co-parceners. "Cases," adds Mr. Neill, "have remained pending for years simply on account of the difficulty of making a partition under the present state of the law." Other learned Judges have also expressed similar opinions, and, if some Judges have been more fortunate, it is due probably to mere accident, if not to the occasional display of a vigour beyond the reach of law.

In England, as I have already mentioned, the old procedure has been in a very large measure rendered obsolete by legislation. In this country, owing to the division and sub-division of landed property which is constantly taking place under the Hindu and Muhammadan laws of inheritance, the evil is undoubtedly much greater; but the strong attachment of my countrymen to landed property, especially when it is ancestral, should make us extremely cautious in replacing in any particular case the usual remedy of an equal partition by a sale of the property and a division of the proceeds. The Hudibrastic rule is not the measure of all things; and speaking for myself I am bound to say that I fully sympathise with the sentiment which attaches us to our landed possessions and should be sorry to see it disappear. It is a healthy sentiment and furnishes one of the best securities for the maintenance of law and order. Then, again, laws, as we all know, must be adapted to the habits of society when not manifestly injurious to others, even when they are the result of blind prejudice. We cannot, therefore, proceed



too warily, and accordingly the power with which it is proposed to invest the court is given subject to very stringent conditions, and only to the extent necessary to meet an acknowledged evil. These conditions are : (1) that the property cannot conveniently be divided ; (2) that it would be more beneficial for the parties that it should be sold ; (3) that at least one-half of the share-holders must concur in the sale. But, in order to prevent the possibility of a request for sale being made on inadequate grounds or from improper motives, provision is made for the compulsory transfer of their shares by the parties who desire a sale to the other share-holders at a valuation to be made by the court. But, even when all these conditions exist, a large measure of discretion is left to the court, which, I trust, will never crystallize into a cluster of rigid rules.

I venture to think that with these safeguards we shall not trench in any degree on the rights of persons holding property in common. The question is one really of procedure, and the present Bill will merely affect the mode of relief and nothing else. Indeed, even under the present practice, when the court gives compensation in money by way of equality of partition, it really makes a transfer of a part of the property, although the transaction is disguised under a slightly different name. I propose only to extend this practice to some very exceptional cases in which, in the absence of such a law, the common property might be destroyed or rendered comparatively valueless. And it is a great satisfaction to me to find that the fathers of Hindu law who shaped out and elaborated our jurisprudence anticipated by several centuries the improve-

ments only recently grafted on the old Chancery Practice in England. Speaking of indivisible property—a class in which Shankha and Likhita place dwelling-houses—Vriashpati declares :—

They (the sages) by whom it is ordained that clothes and the like are not liable to partition have not decided (as to what should be done with respect to such things). The estate of opulent men, consisting of vehicles and ornaments, if held in common (by his heirs), would be unemployed, for it cannot be allotted to any one (of the co-heirs). Therefore it must be divided in an equitable manner ; else it would be useless. An equitable partition is made, by (distribution of a price after) the sale of clothes and ornaments by distribution of a written debt after recovery, by exchanging the dressed food with an equal allotment of undressed grain, by drawing water of a single well or pond for use according to need. *Digest V. 366 ; Vivada Ratnakara*, Asiatic Society's Sanskrit Edition 505.

The practice of giving compensation in money in certain cases is also, I am glad to find, recognized in the Muhammadan law. (Hedaya, Bk. 39, Ch. 3.)

I should add that, when the court finds it necessary to direct a sale of the property, the co-sharers will not only be at liberty to bid but a right in the nature of pre-emption has been conceded to them. The only other clause of the Bill to which it is necessary to call attention is clause 4, which compels a stranger who has bought a share of a dwelling-house belonging to an undivided family to transfer it to the members of the family, if they undertake to buy it on a valuation to be made by the court. To those who are familiar with the habits, usages and feelings of my countrymen, I need hardly say, that the intrusion of a stranger into the family dwelling-house is regarded as

nothing short of a calamity. The mischief has been remedied to a certain extent by section 44, paragraph 2 of the Transfer of Property Act, an enactment which recognises—and, if I may say so, very properly recognises—the truth of the poet's saying, not always perhaps borne in mind, that "right too rigid hardens into wrong."

It is, I know, somewhat rash to make general assertions; but I may safely affirm that whatever hostile criticism may be levelled against the other parts of the Bill, a provision which protects the family dwelling-house from the intrusion of a stranger into any portion of it will be welcomed by my countrymen of every creed and of every shade of opinion.

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## THE PARTITION ACT.

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*[Speech in moving that the Bill to amend the Law of partition as amended be passed into law, 9th March, 1893 :—]*

In introducing the measure last year I pointed out the defective state of the present law relating to partition, and explained the manner in which it might be improved by giving the court, in exceptional cases, and under proper safeguards, a right to sell the property and to distribute the proceeds. It is unnecessary to repeat what I said on that occasion, and I propose now to deal only with some hostile criticisms as, notwithstanding the favourable reception it has generally met with, the measure has not altogether escaped adverse comment. Nobody, I am glad to say, has seriously suggested that the present law is not susceptible of improvement, and the criticisms directed against the Bill, which may be roughly divided into two categories, in a great measure neutralise one another. It has been said, on the one hand, that the numerous restrictions imposed on the court are useless, if not mischievous, and that, where a partition cannot be properly made without injury to the property, the action of the court ought to be left perfectly unfettered and not made dependent on the consent of any of the parties. On the other hand, it has been said that the power of sale is not adequately hedged round, and a suggestion has been made that compensation ought

to be paid to the co-parceners who are unwilling to part with their shares. To those critics who oppose some of the restrictions as altogether unnecessary, I should say that for obvious reasons sweeping innovations in matters of so much delicacy are always to be deprecated, and that we cannot proceed too cautiously. To those who object to the Bill as not sufficiently safeguarding the interests of the weaker share-holders, I would point out, even at the risk of repetition, that it would be impossible for a powerful member under colour of this law to oppress his weaker share-holders, as the court would not be able to direct a sale simply at the request of some of the parties, however large their interests might be. It must first be satisfied that no partition by metes and bounds can be reasonably made, and also that a sale would be more beneficial, not for one or even the larger number of the parties, but for all the share-holders. It must also be remembered that, even when all the conditions essential to the exercise of the power exist, the court would still have a discretion to direct or to refuse a sale—a discretion to be exercised, like all judicial discretion, on a consideration of the whole of the circumstances of the case. A request for sale made out of spite or from vexatious or other indirect motives would, I am sure, never be listened to by any Court of Justice, while the provision with regard to fixing a reserve price which has now been added would prevent the property from being sold at an inadequate price.

I will now deal with the question of compensation which has been raised in the course of the discussion on the Bill, and it is the more necessary that I should do so,



as I find that some of my remarks in presenting the Report of the Select Committee have been misunderstood. I am reported to have said on that occasion—and no doubt correctly—that there can be no compulsory sales under this law. Now, I was then dealing with the recommendation of the Local Government, which, I understood, was based on the suggestion of the British Indian Association, that an additional 20 per cent. should be paid to the share-holder who is compelled to part with his share on the valuation under clause 3 of the Bill. That clause, however, deals with the sale of the shares only of those who request a sale in favour of the other share-holders. The proposal of the Association, therefore, seems to me to be based upon a misconception, and in saying that the Bill does not authorise a compulsory sale I merely meant a forced sale by one share-holder to another. Indeed, if I might be permitted to say so, it never occurred to me that any question of compensation for disturbance, to use a familiar expression of the present day, could possibly arise in the case of a sale under clause 2, which can only be directed when it is for the benefit of all the parties.

I have now dealt at some length with the various criticisms which have been directed against the measure—criticisms for which I cannot say I was altogether unprepared. Whenever any change is proposed, whether in the sphere of legislation or in other spheres, there is sure to be some opposition. Some warning voice is sure to be raised when one ventures into untrodden paths, and we are invariably thankful for it, although sometimes

compelled to disregard it. I am, however, glad to be able in the present instance in some measure to reassure those who are always 'perplexed by fear of change.' Although the experience of the working of a particular law gained in other countries might sometimes be a very misleading guide, there is in the present case no reason to fear that the cautious innovation we are now making would be attended with any mischievous results, for we are not happily without some experience of the operation of a somewhat similar but far more trenchant law in this very country. In Chandernagore, and I believe also in the other French possessions in India, the far more drastic provision of the Code Napoleon has been long in force; and I am not aware, notwithstanding my enquiries on the subject, that the Hindu and Muhammadan citizens of the Republic have ever complained of its working. It has certainly not disintegrated joint families. It has certainly not enabled the opulent members of a family to oppress their poorer relations. But it certainly has had the effect of preserving much property from ruin and of considerably reducing legal expenses. I do not, however, wish to be understood as promising any very wide-reaching benefits from the operation of the present measure. Indeed, it would be rash, if not unbecoming, on my part to do so. But of one thing I am confident, and that is, that if the law is properly worked, as I have not the least doubt it will be worked, my countrymen will not find their patrimony converted into lawyer's bills and the estate divided not among those who are entitled to it, but among those who are called in to assist them in its division.

I repeat that there is no foundation for any apprehension that the measure under discussion might lead to the disintegration of the joint family, of which idyllic pictures have been sometimes drawn. I have nothing but the most fervent sympathy with those who cherish the institution, and will not therefore pause to enquire whether the portraits have not been occasionally painted without the shadows. I would only remind these gentlemen that suits for partition are by no means uncommon among co-parceners, and that such suits are often fought with a bitterness which has become proverbial, ending not seldom in the ruin of the family. Those who think that any reasonable facilities given to co-parceners for severing their interests would tend to the dissolution of the joint family system forget that a great law-suit is a great evil, and that a protracted partition action is 'protracted woe.' Such men also greatly overrate the operation of positive law on society and betray a very imperfect appreciation of the strength and delicacy of the fibres which hold together the different members of that remarkable organisation known as the joint Hindu family. \*

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\* The Bill was passed and is Act No. IV of 1893.

## CODE OF CIVIL PROCEDURE AND INDIAN LIMITATION ACT, 1877, AMENDMENT BILL.

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*[Speech in moving for leave to introduce a Bill to amend the Code of Civil Procedure and the Indian Limitation Act, 1877, at a meeting of the Supreme Legislative Council held on 9th March, 1893 :—]*

As mentioned in the Statement of Objects and Reasons, land sold in execution of decrees seldom realises in this country anything like a fair price. Various explanations have been given to account for this evil, the wide existence of which cannot be disputed by any one familiar with the practical administration of the law. The uncertainty of the title, which there is generally no proper means of examining, the non-service or irregular service of the notices prescribed by the law, the absence of any reserve price in the conditions of sale, the difficulties frequently thrown in the way of the purchaser when he seeks to obtain possession, the litigation which generally follows the sale, have been variously assigned as creating a state of things hurtful alike to the interests of the debtor and his creditor and furnishing endless opportunities for unlawful gain to speculative purchasers—a class who thrive at the expense both of the honest creditor who is only anxious to recover his debt, and the debtor whose property is frequently sold at an enormous sacrifice, and which it must be confessed he sometimes tries to get back by means which are neither honest nor well-advised. It is true we are sometimes told that the

difficulties of a creditor, in the words of Sir Barnes Peacock, only begin after he has recovered his judgment. But I need hardly say that all judgment-debtors are not dishonest, and that some of them at least are more sinned against than sinning. Improvidence, it must be admitted, is the badge of all their tribe, but there is a general impression, not perhaps wholly unfounded, that they are not seldom made to pay too dearly for their want of foresight and business habits. I need hardly add that the compulsory sale of land for the payment of debts is not generally regarded with much favour by the people of this country, and the way in which it is frequently carried out is certainly not likely to reconcile them to such sales. The moment the hammer falls and the property is knocked down to the highest bidder, the gates—I will not say of justice but of mercy—are shut on the unfortunate owner. He may not redeem the land at any price, although he can apply to set the sale aside under a provision in the Code which is to him what the straw in the proverb is to the drowning man and is about equally useful. As a partial remedy for this grave evil, the framers of the Bengal Tenancy Act for the first time introduced a provision enabling a tenant to redeem his property by paying into court within a certain period the amount of the judgment debt, and in addition a sum equal to five per centum of the purchase-money to be paid as a bonus to the purchaser. This provision seems to me to be a very equitable one, as the creditor gets his money and the purchaser a bonus of five per centum on his purchase-money. The Select Committee on the Tenancy Act observe in their report :—



Applications under section 311 of the Code of Civil Procedure to set aside sales cause expense and annoyance to the decree-holder and auction-purchaser. It is believed that they are often instituted merely with a view to recovering the tenure or holding which had been sold, and it is anticipated that, if a judgment-debtor is allowed to recover his property by depositing after the sale the amount decreed against him, the number of these applications will be considerably diminished.

Experience has amply justified the anticipations of the Select Committee by whom the provision was introduced into the Bengal Tenancy Act. Tenants are now able to redeem their holdings when they have been sold at an under-value, and I do not believe that this enactment has had the effect of deterring intending purchasers in any case. It is now proposed to extend this boon to all judgment-debtors, by adding a similar section to the Code of Civil Procedure. This has been done by clause 2 of the Bill. Clause 3 is only supplementary to the addition made by clause 2, and the slight amendment of the Indian Limitation Act, in clause 4, has been rendered necessary for the purpose of prescribing the period within which the money must be paid in order to entitle the debtor to redeem his property.

I should mention in conclusion that the learned judges of the High Court approve of the proposal to extend the provisions of section 174 of the Tenancy Act to other compulsory sales, as appears from the communication read to us by His Honour the Lieutenant-Governor of Bengal.

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## CODE OF CIVIL PROCEDURE AMENDMENT BILL.

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*[At a meeting of the Supreme Legislative Council held on 1st March, 1894, the Report of the Select Committee was taken up for discussion. Mr. Lee-Warner moved an amendment that the Bill be re-published and further opinions be invited from all the Local Governments. Dr. Ghose opposed the amendment. Mr. Lee-Warner afterwards withdrew his motion].*

I am bound to observe that the motion of the Hon'ble Mr. Lee-Warner is, to say the least of it, of a somewhat unusual character. The Hon'ble Member has charged me with having at least three minds. I must confess that the Hon'ble Mover has, in this respect, a distinct advantage over me, for he has not chosen to disclose his mind at all. Instead of suggesting any definite amendment, the Hon'ble Member has only entered a dilatory plea and proposes:—

That the Bill be re-published; that the proposals made by the Governments of Bombay and the Chief Commissioner of the Central Provinces be referred to the other Governments for consideration, and the Lieutenant-Governor of the North-Western Provinces be invited to state whether those proposals or any other suggestions he thinks fit to make will remove his objections to the limited applicability of the present Bill; and that some account of the working of section 174 of the Bengal Tenancy Act be furnished to the several Governments and Administrations consulted.

Now, the thoughts of Hon'ble Members may possibly be widened by this highly suggestive process, but the proposal involves potentialities of delay which are positively alarming, at least to the untutored unofficial mind. It is suggested, among a good many other things, that the North-Western Provinces Government should be invited to state whether the proposals made by the Bombay and Central Provinces Governments, or any other suggestions which the Lieutenant-Governor of the North-West thinks fit to make, will remove his objections to the limited applicability of the present Bill. Now, suppose the Lieutenant-Governor should, in response to this suggestion, make some new proposal; some Member, if not the Hon'ble Mover himself, attracted by the novelty of the proposal, might in that case invite the Council to re-commit the Bill, and consult other Local Governments on the proposed amendments formulated by the Lieutenant-Governor of the North-Western Provinces; and this process might go on for ever.

It has been said that the delay which would be entailed by the acceptance of the Hon'ble Member's motion cannot possibly do much harm. But is this assertion well founded? In speaking of the Bill, Sir John Edge says 'the sooner it becomes law the better.' Mr. Ferrar, the Commissioner of the Gorakhpur Division, says:—

I think the amendment a most advisable one. It is notorious that, as the Statement of Objects and Reasons says, attached the property seldom is sold at its proper value. From my own experience in hearing appeals from sales fraudulently brought about by decree-holders I can corroborate this. The amending Bill should become law as soon as possible, as every day all over

the country numerous such sales are taking place and many judgment-debtors suffering great loss.

Last, though not least, the Calcutta High Court in a letter dated the 29th August, 1891, addressed to the Bengal Government, observe:—

Whatever system may be adopted, and however carefully that system may be administered, there will occur cases in which properties are sold very much under their real value, and even on the assumption that in such instances nobody has been to blame except the judgment-debtor himself who, therefore, suffers by reason of his own negligence, still it seems a frightful penalty to impose on a man for his neglect to pay a trifling sum that his estate should be sold for a fraction of its value and he himself reduced to ruin. Extremely hard cases of this nature have occurred under the existing law.

The usefulness of the enactment on which this measure is admittedly based has also been questioned by the Hon'ble Mover and it has been suggested that some account—by which I suppose is meant statistics—of the working of section 174 of the Bengal Tenancy Act should be furnished to the several Governments and Administrations, including, I presume, the Bengal Government, for their enlightenment. Now, we have abundant evidence in the papers on the table as to the working of section 174 of the Bengal Tenancy Act. We have the opinion of the learned Judge of the Calcutta High Court, who approve of the provisions of this Bill, and only suggest a comparatively slight modification with which I need not deal here. We have also the opinions of various District and Subordinate Judges who have been consulted by the Bengal Government, and who, I presume, are thoroughly familiar with the operation of section 174 of the Bengal

Tenancy Act, and figures and statistics too have been supplied by the Judge of Krishnagar, Mr. Handley, for the delectation of those who revel in them. Mr. Badcock, District Judge of Bhagalpur, says :—

I consider the proposed amendments in the Civil Procedure Code and Indian Limitation Act are desirable, and will tend to remedy the losses suffered by judgment-debtors owing to their property being sold at inadequate prices.

Mr. Seal, a Judge of very great experience and thoroughly familiar with the wants of his countrymen in Bengal at any rate, says :—

I approve the principle of the Bill. About two or three years ago, in my Civil Administration Report for the district of Bankura, I had suggested the propriety of legislating on the lines of this Bill.

Mr. Prath, District Judge of Midnapore, says :—

There is quite a consensus of opinion of judicial officers and the local Bar that the proposed amendment is likely to be beneficial, especially to honest debtors. The provisions in section 174 of the Bengal Tenancy Act has been found to work well, and it is confidently anticipated that, if the principle be extended to all sales of immovable property, the parties concerned will be benefited. The decree-holder, unless he be a fraudulent one, cannot suffer but will often be a gainer. Many judgment-debtors will resort to this expedient rather than to the risky and often fallacious remedy provided by section 311 of the Code. Judicial officers will also be saved no small amount of time and trouble.

Mr. Prath then goes on to point out a defect in section 174, which has been discovered in its practical working and which it is now proposed to remedy. He says :—

It will be a great boon to tenants having more than one landlord in an undivided estate to have the one month's time for deposit extended to them by the proposed law. The purchasers in



eighty per cent. of such sales in this district are the landlords themselves, nobody else outside the village where the holding is situated being anxious to bid.

These observations, I may mention in passing, refer to the decisions on section 174 of the Bengal Tenancy Act which have limited the operation of the section to cases in which the holding is sold at the instance of all the landlords and not merely of some of them, where, as is very frequently the case in this country, the estate is owned by two or more persons jointly. The construction put upon the law by the High Court may be quite correct, but it has undoubtedly robbed the section of more than half its usefulness. Mr. Handley observes :—

I think the provision a good one. It cannot hurt the auction-purchaser, whose title is not confirmed till after a delay of sixty days.

Mr. Cameron, another District Judge, also approves of the provisions of the Bill, and adds that section 174 of the Bengal Tenancy Act has worked very satisfactorily.

I think it unnecessary to trouble the Council with further quotations, and will only observe that, with the somewhat dubious exception of the Chief Commissioner for the Central Provinces, all the other Administrations have approved of the measure, though the Bombay Government proposes the addition mentioned by the Hon'ble Member, while the North-Western Provinces Administration seems to think that it would have only a limited application in those Provinces. The Hon'ble Mover, not content with relying upon these opinions, has referred us to the recommendations of the Dekkhan Commission composed, we are told, of some of the most distinguished men in the country. The Hon'ble Member

has also been good enough to tell us in something like a prophetic strain that any suggestion that may be made by the Lieutenant-Governor of the North-Western Provinces if his opinion is invited, would not differ materially from the proposals formulated in the Dekkhan report. My Hon'ble friend the Law Member has discussed these last proposals, and I would only add that the remedies which have been suggested are of a somewhat drastic character and would give rise to almost endless controversy. I may also be permitted to doubt whether the proposal of Mr. Justice Fulton, which has found favour with the Bombay Government, would not be classed by many persons as well-meant ill-doing.

The Hon'ble Law Member has pointed out how the right of redemption is valued by debtors in a country which the Hon'ble Member knows very intimately, and I may mention that a similar privilege is allowed in some of the American States. I am not, however, aware of any system of law in which an auction-sale by a Court of Justice is liable to be set aside merely on the ground of inadequacy of price. In England the Court of Chancery used at one time to re-open the biddings, whenever before the sale was confirmed, a large price was offered for the property. The practice was, however, condemned by successive Lord Chancellors as having a deterrent effect on intending purchasers and thus reducing the price. Few persons, it was pointed out, would care to bid when the title to the property rested upon such an uncertain basis. The evil was found to be of such magnitude that the Legislature was obliged to intervene and to sweep away this injurious practice. Mr.

Fulton's proposal, however, goes far beyond the old English Chancery practice, as it would entitle the court to set aside a sale whenever it happens to think that the price offered for the property was seriously inadequate, a question which must always be one of considerable difficulty.

I cannot also congratulate the Hon'ble Member on the felicitousness of his reference to the opinions of some gentlemen living in the arid plains of 'discord laden' Madras who are opposed to the Bill under discussion; for if the grounds upon which the Chief Justice of the Madras High Court and Mr. Justice Muthusami Aiyar object to the present measure are examined, Hon'ble Members will find that their criticisms would apply with far greater force to any comprehensive measure of the kind shadowed forth by the Hon'ble Mr. Lee-Warner in his speech.

The other proposal contained in the papers is that made by the Chief Commissioner of the Central Provinces. Mr. Woodburn, however, speaks in rather uncertain accents. In the letter before us it is stated:—

The Officiating Chief Commissioner defers to the practical experience and opinion of the Judicial Commissioner, but he has very considerable doubts as to the expediency of the proposed amendments.

In Mr. Woodburn's opinion an extension to the Civil Courts of the powers given to the Collector by section 325 of the Civil Procedure Code would be preferable to the proposal made in the Bill.

Now, against the doubts expressed by Mr. Woodburn we have to set the opinion of the experienced Judicial Commissioner. The other officers who were

consulted by the Chief Commissioner also express their approval of the Bill, and the Chief Commissioner's communication therefore only reflects the individual doubts, which are said to be considerable, of Mr. Woodburn himself, rather than the deliberate opinion of the Administration. His proposal to extend the provisions of section 325 to the Civil Courts has been shown by Mr. Justice Fulton to be practically impossible. That learned Judge whose right to speak with authority is acknowledged by the Hon'ble Member points out that the provisions of this section were deliberately not made applicable to execution sales generally, because we could not impose upon the Civil Courts the duties described by section 325 without making very considerable additions to the number of our judges of all grades, a fact of which Mr. Woodburn seems to be oblivious.

It has also been urged in favour of the Hon'ble Member's plea for delay that if we pass the present Bill we shall have two dissimilar laws operating in Bengal, one contained in section 174 of the Bengal Tenancy Act, and the other in the present Bill. Now I must confess that this argument is too subtle for me. The drafting is, no doubt, slightly different, but the principle is the same, as this Bill has been avowedly modelled, I need hardly remind Hon'ble Members, on the lines of section 174 of the Bengal Tenancy Act. Instead of two laws therefore in Bengal, one for tenants whose holdings have been sold and another for other judgment-debtors, we shall, by passing this Bill, remove the distinction which now obtains in this Province—a distinction for which I am unable to find any sufficient justification.

I trust I have satisfied Hon'ble Members that this Bill, however imperfect, will give some relief at least in a limited class of cases, and that no harm will be done if it is now passed into law, as it cannot bar the way to a more comprehensive measure in the future, such as I trust would find more favour with the Hon'ble Mr. Lee-Warner. In opposing the motion, now before the Council, I can assure Hon'ble Members that I have not been actuated by any parental feeling towards this little measure—'this ill-favoured thing'—merely because 'it is mine own.' I have thought it my duty to oppose the motion because the acceptance of it must end in the ruin of many honest debtors, the breaking up of numerous households, and with it the breaking of countless hearts.

The Bill was passed and became section 310-A of the Code of Civil Procedure, 1882, which has been reproduced in Order 21, rule 89 of the present Code.

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## INLAND EMIGRATION ACT, 1882.

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[At a meeting of the Supreme Legislative Council held on the 23rd March, 1893, the Hon. Sir Philip Hutchins moved that the Report of the Select Committee on the Inland Emigration Act, 1882, be taken into consideration. Dr. Ghose moved the following amendments :—]

5. After section 7 of the said Act, the following section shall be inserted, namely :—

7-A. (1) Any person assisting a native of India to emigrate to a labour district for the purpose of entering into a labour-contract under this Act therein may take such intending emigrant before a Registering-officer, having jurisdiction within the loyal area in which such intending emigrant resides.

(2) If it appears to the Registering-officer that such intending emigrant resident within his jurisdiction is willing to emigrate, and has not been induced to undertake to emigrate by any coercion, undue influence, fraud, misrepresentation or mistake, the Registering-officer shall register, in a book to be kept for the purpose, such particulars regarding him and the persons, if any, whom he wishes to have registered as his dependents, as the Local Government may by rule prescribe.

(3) Every officer registering any person shall, if so requested, forthwith forward a certified copy of such particulars to the Inspector or Magistrate resident at the civil station of Dhubri in the Goalpara District.\*

In moving the amendments which stand in my name I do not think that it is at all necessary to trace the his-

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\* Though these amendments were not carried, they were practically given effect to by the Legislature in Act VI of 1901.

tory of the legislation connected with inland emigration prior to the year 1882. I shall only observe that the present Emigration Act, which was passed in that year, made a very important innovation, which was described not altogether felicitously, as I shall have occasion to point out later on, as free emigration outside the scope of the Act. It was said that the numerous restrictions imposed under the old law hampered emigration and artificially raised the price of labour in Assam. The new departure then taken by the Legislature would, it was thought, promote the interests of a valuable industry and at the same time lead to the gradual extinction of the contractor's system to be replaced by free emigration. These somewhat sanguine expectations, I think it will not be denied, have not been fulfilled. The contractor's system is not extinct, the price of labour has not been reduced, and free emigration to Upper Assam, in the opinion of many, still remains as unfulfilled prediction. On the contrary, some of the worst fears of those who were then ridiculed as pessimists, have been realised. The reversal of the previous policy of State-controlled emigration gave rise almost immediately to evils of serious magnitude, and the Government were obliged to interfere in 1889 for the sanitary protection of the so-called free emigrant to Assam. Act I of that year of the Bengal Council empowered the Local Government to frame rules for the health and comfort of the emigrant in transit, and one class of evils which made themselves painfully felt have been removed by means of regulations made under it. The present Bill is intended to guard against another class of evils, the wide prevalence of

which cannot be disputed for a moment—I mean the malpractices of recruiters working under the so-called free system, and some of the clauses contain provisions directed against such abuses. But I venture to think with the greatest deference, that the evils which have grown up will not be adequately met by the Bill as it stands, and it is therefore that I beg to propose for the acceptance of Hon'ble Members the amendments which stand on the paper. They have been framed on the lines of a proposal which was made by the Government of Bengal, then presided over by Sir Stuart Bayley, and which received the entire approval of Mr. Westland and the qualified assent of the late Mr. Quinton, both Chief Commissioners of Assam. This proposal was negatived by the Government of India, but on grounds which, I humbly submit, do not appear to be quite convincing. According to the Hon'ble Member in charge of the Bill, the objections to a system of local registration are that it would be expensive, vexatious and altogether alien to the principle of free emigration which, for the last twenty years, the Government have sought to encourage. There would also be serious difficulties in discriminating between emigrants who had been some time in Assam and those who had not; and, lastly, it is said that initial registration would be an ineffective remedy against those abuses which really prevail, and which alone called for special measures of repression—cases in which the labourer, though under the influence of enticement or misrepresentation, is nevertheless a willing emigrant and is himself desirous of emigrating.

Now before discussing the validity of these objections I would beg to call the attention of Hon'ble Members to the serious and widespread character of the existing abuses which were not foreseen by the framers of the Act. The letter of the Bengal Government, dated the 28th August, 1890, pointedly refers to the very large proportion of cases of fraudulent enticement, often amounting to the virtual kidnapping of children and youths of both sexes; and this assertion is based, not on the irresponsible utterances of anonymous journalists or of travelling friends of humanity, but on the statements of responsible representatives of Government in the recruiting districts. The late Chief Commissioner of Assam also admitted that the Dhubri system was open to objection, and insisted upon the necessity for greater stringency in local registration. The practical operation of the so-called free system which resulted in the Dhubri contracts was never, I venture to think, anticipated by the supporters of the Act, and it was, I believe, far from the intention of the Legislature as well as of the Government that the concessions then made should be so grossly abused.

To come now to the objections to initial or local registration. It is said, in the first place, that such a system would be expensive; but, as pointed out by the Bengal Government in their letter, the expense of the proceeding cannot exceed eight annas a cooly, or at the outside one rupee eight annas, if a registration fee of one rupee is charged on initial verifications. The additional cost of initial registration is due to a distinction, for which the Bengal Government were unable to find any justification, between contracts executed in the emigration districts

and those made at Dhubri. And here I might be permitted to ask, with regard to the statement that official restrictions would check emigration and render it unpopular, whether an army of five thousand unlicensed recruiters, in the Ranchi District alone many of whom are released convicts or men of very doubtful character, where likely, with their numerous malpractices, to make emigration popular in the recruiting fields? It seems to me that experience has proved that some wholesome restrictions on unlicensed recruiting are essential, not merely in the interests of the recruiter but also in the interests of the planter in Assam, and I am glad to find that the Hon'ble Mr. Buckingham quotes with approval some remarks of Mr. Driver, described as a gentleman of considerable experience in the recruiting districts in which the official registration of labourers is insisted upon. All the Bengal officials, without a single exception, as far as I know, are also of the same opinion.

A good deal has been said about the vexations connected with official interference in any form; but I would ask Hon'ble Members whether, in the face of the numerous restrictions imposed under the Bengal Act, to refuse the safeguard of official registration is not a mere straining at gnats? It has also been said that initial registration would prove an ineffective remedy against the abuses which really prevail, and that vigorous action on the part of the executive acting under the ordinary law supplemented by the provisions of the present Bill would reduce the malpractices of the unlicensed recruiter within the narrowest limits. But, as observed by a well-known newspaper, the acts of the recruiter in



many cases, and those some of the worst cases, are such that they cannot be reached by the law nor by executive action, which I presume must be controlled by law. The article in the *Pioneer* expresses the general feeling of the country with regard to the unlicensed system and the picture it draws is by no means overcharged.

Boys and girls, it says, are cajoled or intimidated into leaving their homes and are carried off to Assam under false names. Married women are persuaded to desert their husbands and children, and are decoyed away under circumstances that make it practically impossible to trace them. District officers and non-officials, Europeans and natives, missionaries and managers of collieries, all alike bear testimony to the growing prevalence of kidnapping in all its various forms, and to the misery and crime which it occasions. It has been said that if the Magistrates and the police do their duty properly the worst cases, at all events, would be prevented or detected and punished, and it is in this view that the Bengal Government lately deputed a special officer of the police to conduct an enquiry into such cases in Chota Nagpore. This view, however, leaves a great part of the question out of sight. The police can only interfere to prevent the commission of some offence, or to detect the culprit when an offence has been committed. But in many cases, and those some of the worst class, the acts of the recruiters, wicked and immoral though they are, do not constitute an offence at all. It is not an offence to entice a married woman, to leave her husband and her children and become a cooly for five years or longer in Assam! It is not an offence to persuade a grown-up son to desert his parents and leave them destitute, even though his labour may be their only means of support! Even when some recruiter, grown bolder from impunity does actually overstep the limits of the law, the chances in his favour are overwhelming. The expense of legal proceedings is almost always prohibitive to the classes concerned, while the entire freedom which the 'free' recruiters enjoy from official supervision, and the ease with which names, castes and residences can be changed, render it almost hopeless to obtain a satisfactory clue.

I also find that the Secretary of State in his despatch dated the 11th February, 1892, expresses his opinion that strong measures are required to amend the existing state of things, a conclusion which is amply supported by official records.

Emigration, writes Colonel Samuels, is, I fear, in most cases tantamount to desertion of home and relatives. In my long experience of these districts I have known many instances of men and women in depots before they were registered being persuaded by their relatives to return to their homes. To permit of this being done would be no real interference with the system of free emigration, whilst it would give every man and woman a chance of changing his or her mind before it was too late to do so, and afford a guarantee that every one who emigrated did so deliberately and without undue influence and deception.

The Government of Bengal also say in their letter :—

The only other advantage claimed for the Assam contracts is that, in the districts of recruitment, labourers, when brought before a registrar for the execution of their engagements, may be dissuaded from emigration by their friends and relatives, as suggested by Mr. Lyall in the observations quoted in paragraph 15 of this letter. The Lieutenant-Governor is inclined to believe that this is the objection which really weighs with many who oppose initial verification, though it is kept somewhat in the background, the allegation as to increased cost being calculated to carry more weight with those unfamiliar with the subject. It is an argument which does not commend itself to the judgment of officers in Bengal, or to the inhabitants of the province, who, on the contrary, hold that, considering the large sums paid to every professional recruiter or occasional crimp who can persuade a labourer to execute the contract in question, some opportunity of knowing what is going on should be afforded to others interested. The subject is generally treated with special reference to wives induced by *arakatis* to desert their families in consequence of some quarrel which, had it not been

for the facilities afforded by the Assam contract system, would have been soon made up; the case of children is also frequently quoted, and many persons consider that in such instances registration should be insisted on, whether labour-contracts are executed or not.

In further support of my contention I may quote another passage from the same letter:—

The Lieutenant-Governor is distinctly of opinion that, under the circumstances, Dhubri is not the most suitable station for putting labourers under statutory engagements. The best place for explaining a contract to a person liable to be deceived as to its terms—say to a Lohardaga woman—is not to be sought where her language is little known, or the officer who has to make her understand the terms of the engagement is hurried by a multiplicity of engagements; and she would be more of a free agent, to accept or reject the agreement at discretion, in her own district, among friends, than at a strange station, where she cannot find employment or ask for alms in the language of the country, and from which she can see little prospect of getting away, as she has no money to pay her return fare.

Mr. Westland was also emphatically of opinion that the cooly recruited under the present unlicensed system is not, in any sense, a free agent, and that the power to put a labourer under a penal contract in the labour-districts should be withdrawn. Mr. Lyall, also late Officiating Commissioner, Assam Valley, in his inspection report says the same thing:—

Once the emigrants get to Dhubri, they have cast the die and are started on their journey. It is too late for them to re-consider the matter. In the district of recruitment they would be subject to influence which would often make them change their minds. The contractor would thus lose a good many of his coolies and have to charge the planter a higher price for the remainder. The cost per head to the employer would, I think, certainly rise. At present his cost varies considerably. I have heard as high a figure as

Rs. 110 mentioned, and as low a one as Rs. 57 (the latter for coolies for a garden in Sibsagar) ; but whatever it is now, it would be higher under the other system.

Can the ordinary law or executive action, however vigorous, deal with such cases or cope successfully with the abuses disclosed in these official documents ? Initial registration alone, in my humble opinion, would furnish an adequate remedy and effectively check the malpractices notoriously resorted to by the recruiter under the present system, or rather no system.

I now propose to deal with the objection to compulsory registration based on the ground that such a procedure would be altogether alien to the principle of free emigration. Now if I thought that the restriction which I propose would have the effect of checking free emigration properly so-called, I should be the last person to advocate such a proceeding. But, if by free emigration is meant the spontaneous and unsolicited emigration of natives of other parts of India to the labour districts to work under the ordinary law, the amendment proposed by me, although curtailing the license of the so-called free recruiter, would really facilitate free recruiting by insuring that the emigrant should really be a free agent. It would give him an opportunity of declaring his intention to emigrate to some constituted authority—the course which, I believe, an emigrant in England takes when he goes to an emigration office and expresses an intention to emigrate. The delay incident on registration would also afford the parent or husband some chance of recovering his child or wife. It is true the repatriation clauses contained in the Bill might go some way towards mitigating the abuses attendant on uncontrolled recruiting. But, as we

all know, though the arm of the law is long, its movements are sometimes remarkably slow, and, I fear, not always sure. In any case it would be a very poor consolation for a husband to recover his lost wife or a parent his missing son two or three years after their disappearance. Prevention, I need hardly remind Hon'ble Members, is better than cure; and surely there never was a case in which preventive measures were more urgently called for in the interests of those who stand most in need of the protection of the State.

I have one word to add with reference to the supposed difficulty of distinguishing between a new immigrant and a *bona fide* resident in the labour-districts. But with the care which, we are assured, is exercised at Dhubri before the labourer is put under contract, and the rules under which free emigrants proceed to Dhubri under Act I of 1889, it ought not surely to be at all difficult to distinguish between the two classes, and even Mr. Quinton admits that the difficulty would not be insurmountable—an opinion in which, I think, everybody would be inclined to agree. My amendments, I may add, differ from the proposal of the Bengal Government only in insisting on the condition that the labourer should be a resident without defining the period of residence by a hard-and-fast rule.

To recognise and to enforce by legislation the necessity for supervision in contracts entered into outside the labour-districts, when, in the words of Sir Dennis Fitzpatrick, the emigrant is still close to his home and within hail of his own people, and to neglect such supervision when he is carried to Assam, to him a foreign country,



is, I must say, with the greatest deference, both inconsistent and indefensible. Emigration which is really free may safely be left without fetters, but the emigrant who is assisted to emigrate under present conditions in order that he may enter into a labour-contract cannot properly be described as a free labourer, simply because he is carried to Assam before entering into any engagement.

My lord, it has always been the policy of the State to control the recruitment of such emigrants by law—a policy recognised in the restrictions imposed on the contractors as well as the sirdari system. It was probably expected when the Act of 1882 was passed that free emigration would take the same form in India as it has in other civilised countries, the employers of labour supplying the place of the emigration societies. But emigration has not unfortunately assumed any such shape, notwithstanding the system of Dhubri contracts. It has only served to enrich a lawless body of men termed *arkatis* to the detriment of legitimate recruiting, and has proved hurtful alike to the employer and labourer. As observed by Mr. Stuart, Chairman of the Indian Tea Association, the *arkatis* have by their malpractices done much harm to the cause of emigration, and, unless their malpractices are effectively checked, will do still greater harm to it.

I now propose to sum up briefly my reasons for inviting the Council to accept my amendments. In the first place, the existence of grave abuses in the system of recruitment under Act I of 1882 is undeniable and must, in the interests of the people concerned, be remedied. The control which can be exercised under the ordinary law cannot reach the evil in some of its worst forms, and the

changes proposed by Government cannot be regarded as adequate for the purpose. They may scotch the evil, but they will not kill it. Secondly, there is no reasonable ground for making a distinction between labourers who contract near their homes and those who are carried to Assam for the purpose of placing them under labour-contracts there. Indeed there are stronger grounds for placing under control the latter class of emigrants. Thirdly, there is no danger of such restrictions as I propose enhancing in the slightest appreciable degree the price of labour or checking the progress of free emigration properly so called. On the contrary in my opinion with the removal of the abuses which have grown up under the Dhubri system, the occupation of *arkati* would be gone, the price of labour would fall, and in the course of time free immigration in its true sense would take the place of the present system, which has certainly not been a very pronounced success, if, indeed, it has not brought emigration under all forms into not altogether undeserved discredit.

My Lord, there are very few laws in the Indian Statute Book, the policy of which has been more keenly debated than the policy underlying the Emigration Act which it is now proposed to amend. It would serve no useful purpose to revive the memory of the controversies which have marked the whole course of legislation on the subject. On one point only we find a remarkable unanimity of opinion, namely, that exceptional legislation of the kind under discussion must be regarded as merely temporary and not maintained even a day longer than is absolutely essential for the protection of the classes con-

cerned. While loyally accepting the conclusion arrived at by the Government, after the fullest and most anxious enquiry, that the time is not yet ripe for the repeal of penal contracts, I can only repeat the hope so often expressed that with the improvements in the means of communication between the recruiting and labour-districts, and the increasing knowledge of Assam life by labourers in the recruiting areas, the necessity for special legislation will soon cease and the relations of employers and labourers will be placed on the ordinary basis regulating their mutual rights and obligations. There is only one other observation that I should like to make. Emigration laws have been denounced in very severe terms, not only by some of my countrymen but also by European public servants in responsible positions. But the large mass of official literature which has gathered round the Assam cooly must convince everybody that special legislation is resorted to not merely in the interests of the tea-industry, but also in the interests of the people at large, as tending to promote emigration from those parts of the country in which the wages are low and the people liable to periodical famines. The evils which have crept into the system must not lead us to forget the good that emigration has done. They must not lead us to forget that the districts of the North-Eastern Frontier, once a wilderness, have now been covered with plantations which, while adding to the wealth of the country, support thousands of labourers, where many of them have found comfortable homes. Then, again, the benefits secured by the Act to the labourer ought to be set off

against the penalties by which the performance of his part of the contract is secured. It must also be borne in mind that some of the evils which have revealed themselves in connection with the system are inseparable from all emigrations conducted on a large scale among the poor and ignorant, and, although I cannot help thinking that local registration would seem to be as nearly complete a remedy as can be devised for the growing evils of unregulated recruitment, I am bound to admit that the Bill now under discussion contains provisions which will, to some extent, reduce the evils which have sprung up, and that with the more energetic action of the executive, including the strengthening of the inspection system which has been promised by Sir Philip Hutchins, the condition of the labourer in the tea-gardens will be improved in a very large measure.

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## PETIT BARONETCY BILL.

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*[The following speech was delivered in the Supreme Legislative Council on the 19th January, 1893 :—]*

I confess that it is not without a certain degree of reluctance that I move the amendment which stands in my name. One of the foremost captains of industrial enterprise in India, Sir Dinshaw Manokjee, has by his princely charities so endeared himself to all his countrymen that it is by no means an agreeable duty to have to oppose any of the provisions of a Bill which has been settled in concert with his legal advisers and which may, therefore, be presumed to embody his own wishes. Among a people who have always been distinguished for their munificence, there is probably no name more illustrious than that of the recently created baronet ; and the provisions of the Bill now before us may not altogether unreasonably be regarded as a fitting recognition of the eminent services rendered by Sir Dinshaw Manokjee to the country. But although, I trust, I yield to no one in my appreciation of the many claims to distinction possessed by the Parsi Baronet, I cannot forget that the proposed legislation is of a very exceptional character. It is an encroachment on the rule against perpetuities as known among lawyers—a rule based not on any artificial reasoning but on the most obvious principles of public policy, which lays down that except within certain well-defined limits, you cannot fetter the free



transfer of property, unless for purposes useful and beneficial to the public, or, as they are technically called, charitable uses. Among Hindus, as the law now stands, the right to prevent the unrestricted transfer of property exists, if it can be said to exist at all, in a most attenuated form. Greater latitude, and perhaps with more reason, is allowed in the English law, but even in England the limits within which alienation may be restrained are rigidly defined; and the well-known process of settling and re-settling estates among the great English landowners does not constitute any real exception, as it does not in any way trench upon the rule against perpetuities; but the mode in which this is accomplished is of too artificial a character to be readily intelligible to anyone who is not a lawyer. The inviolable character of the rule under discussion and the jealousy with which it is guarded may be very well inferred from the fact that in the course of nearly two hundred years, we come across only two instances in which the Legislature in England has interfered with it. Blenheim was settled inalienably on the family of the Duke of Marlborough by 3 and 4, Anne, c. 6, 5 Anne, c. 3 and 5 Anne, c. 4, and more than a hundred years later Strathfieldsaye was in the like manner settled on the family of the Duke of Wellington by 54 Geo. III, c. 161; but no provision is to be found in any of these Statutes at all similar to the provisions of clause 12 of the present Bill. The law, if I might say so without impropriety, has wisely set limits to the right of fettering inheritances, and I do not think that any subject of the Queen-Empress can fairly complain, if we deny him a privilege with a great nation, not

perhaps effusively demonstrative but full of the most generous impulses, refused to a Marlborough and a Wellington.

It is said that this Bill has been drawn on the model of Act XX of 1860. Now, I have looked into that Act, and I do not find anything in it at all analogous to clause 12 of this Bill. It is altogether a new departure for which I confess I have not been able to find any sufficient justification. It would also seem to be wholly unnecessary. The income of the property comprised in the proposed trust is evidently deemed sufficient, at any rate for the present, to support the dignity of a Baronet conferred upon Sir Dinshaw Manockjee. If, however, at any time in the future, that income should happen to be inadequate for the purpose, the funds might be easily augmented by the less objectionable process of adding to them such securities as are mentioned in clause 11 of the Bill. I would also beg to point out that, even as regards any contemplated addition of immovable property in the future, the acceptance of my amendment would only make this difference, that instead of applying to the Governor of Bombay in Council, Sir Dinshaw Manockjee, or his successors, as the case may be, would have to move the Legislature; and I am sure any application bearing the honoured name of Sir Dinshaw Manockjee would always secure the respectful attention of Hon'ble Members. Moreover, there is no reason why the legislature should delegate its functions in such matters to the Local Government, a course which, in my humble judgment, should be adopted only in cases of imperative necessity. I have only to add that in setting aside the ordinary law

of the land in favour of a subject, however distinguished, we cannot proceed too cautiously, that such measures do not always fulfil the expectations entertained by their promoters, and that in this country specially, exceptional legislation of the present order might create a precedent of a very inconvenient and embarrassing character.

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## INDIAN TARIFF BILL.

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[Speech in support of an amendment moved by Mr. Playfair, at a meeting of the Supreme Legislative Council held on the 10th March, 1894, when the Hon'ble Mr. Westland presented the Report of the Select Committee on the Bill to amend the law relating to customs duties. This Bill excluded from the tariff the imports of cotton fabrics, yarns and thread. The Hon'ble Mr. Playfair, representative of the mercantile community, moved an amendment to Mr. Westland's motion that the Bill be re-committed to the same Select Committee. Mr. Playfair who took exception in strong terms to the exclusion of cotton goods from the operation of the Act, referred to the prevalent feeling "that India's interests are being sacrificed to Lombard Street on the one hand and Manchester on the other."\*]

I have no hesitation whatever in supporting the amendment which has been just moved by the Hon'ble Mr. Playfair, who represents the mercantile community in this Council. I venture to think that the exclusion of the cotton duties from the Tariff Act would be not only a cruel wrong to the people of this country, but a grave scandal as well as a financial and political blunder, to which the famous saying of Talleyrand might well be applied. We are all aware how public opinion has con-

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\* The cotton duties were re-imposed by Act III of 1896.

demned the proposed exclusion. Not a single dissentient voice, at any rate outside the Council Chamber, has been heard—not one jarring note of discord. The Hon'ble Mr. Westland, in introducing the measure, referred to the embarrassed condition of the finances, and said, rightly enough, that he was obliged to cast his net very wide. He might also have added that the meshes of this net are very fine; for besides the articles to which attention has been drawn by the Hon'ble Sir Griffith Evans, we find that the schedule includes the cassia nut and the common shell. But notwithstanding the gravity of the condition of our finances, notwithstanding the obvious necessity for casting the net very wide, notwithstanding the extreme fineness of its meshes, cotton fabrics are conspicuous by their absence.

It is said in the Statement of Objects and Reasons that owing to the embarrassed condition of the finances, it has been decided to increase the revenue by the imposition of indirect taxation in the form of import duties and that the present Bill practically re-imposes the Tariff schedule of 1875 with some exceptions, one of which is the omission of duties on cotton yarns and goods. Now, one would think from the language here employed that cotton yarns and goods do not form an important part of our imports, and that although they are excluded, we are practically restoring the Tariff Act of 1875. But what is the actual state of things, and what would the intelligent foreigner who is supposed to be always with us, think of the omission, if he was told that the goods which are advisedly omitted constitute nearly one-half of the total imports? What would be his surprise if he was to read



the speech in which the will was introduced by the Hon'ble Finance Member? That speech contains an able defence, if I may say so, of import duties when the interests of the Exchequer require that such duties should be imposed. But for any justification of the invidious distinction in favour of cotton goods which come to us from Lancashire, we shall seek in vain, in the utterances of the Finance Member except an echo, somewhat faint, from the report of the Herschell Committee that the duties on cotton goods were the subject of vehement attack in England, and that any attempt to re-impose them would meet with great opposition. But opposition from whom? Not from the people of this country, not from the people who would have ultimately to pay those duties, as the intelligent foreigner in his innocence might imagine, but from the manufacturers, the merchant princes of Lancashire!

It has been suggested that an import duty on cotton goods would be a protective duty and therefore objectionable. But the answer may be given in the words of an eminent living English statesman whose name will always be associated with free trade. "There is not," said Mr. Gladstone in the House of Commons in 1879, "a free trade Government in this or any country which has not freely admitted that the state of the revenue is an essential element in the consideration of the application even of the best principles of free trade." These words were quoted with approval by Major Baring in 1882 and have been repeated by our present Finance Minister. And here I cannot resist the temptation of citing another passage from the same speech of Mr. Gladstone which

possesses a peculiar appropriateness at the present moment.

Mr. Gladstone said :—

With regard to the remission of import duties, there seems to me to be something distinctly repugnant in the way it has been done in the time of India's distress and difficulty by the Government of a party which has done all in its power to retain every protective duty in this country, and which, from year to year as the occasion arises, advises the Crown to assent to Colonial Acts imposing fresh duties upon British manufactures. what an invidious, almost odious, picture of inequality we exhibit to the millions of India. The free trade doctrines that we hold so dear, that we apply them against the feelings of the Indian people in their utmost rigour and without a grain of mercy, disappear in a moment when it is a question of dealing with those whose interest and opinions we cannot lightly tamper with, namely, the free colonists of the Empire.

In this connection I may also be permitted to refer to the opinion of another well-known apostle of free trade in our day, the late Mr. Fawcett, who was known—and deservedly known—as the friend of India in the House of Commons. Mr. Fawcett, in a well-known treatise of his, draws a distinction between a protective duty properly so called and a duty imposed merely for revenue purposes, and he points out, with regard to the duty on Manchester goods, that it could not be treated as a protective duty in the proper sense of the expression. But even if it was a protective duty, are protective duties in the shape of bounties to indigenous industries so utterly unknown in the rest of the world, so utterly unknown even in British colonies, that we should shudder at the bare mention of protection ?

I submit that a light duty of five per cent. cannot possibly be regarded as a protective duty ; and this conclusion does not rest on speculative opinion only, for we are not altogether without experience. What has been the effect of the removal of the duties on Manchester goods ? Has Manchester been able to drive Bombay out of the cotton market ? No. But, as Macaulay says in speaking of legislation regarding Irish industries by the English Parliament, the jealousy of commerce is like jealousy of love ; it is as fanciful and as unreasonable, and the accomplished historian might have added, it possesses another well-known attribute of 'the green-eyed monster'—it is as cruel as the grave.

The difficulty again of excluding a particular kind of goods like Manchester fabrics from the Indian tariff is so obvious that it is hardly necessary to insist upon it. This was pointed out by Major Baring, now Lord Cromer, in one of the speeches quoted by the Finance Minister in his speech in introducing the Bill. In making a clean sweep of the import duties from our tariff in 1882, Lord Cromer spoke of the 'destructive' forces which had been introduced by the partial abolition of cotton duties in the year 1878. He said:—

Apparel of many kinds, hardware, jewellery, innumerable manufactures of metal, provisions and stores of many kinds, spices, sugar, tea, tobacco, with raw silk and fabrics of silk and wool are all made in India, some to a large extent, and every import duty on them is protective. On what principle, again, are silk and woollen goods, or goods having cotton mixed with silk and wool, to be denied the exemption accorded to cotton goods ? 'The duty on *woollen fabrics*,' the Calcutta Trades' Association rightly argues, 'must, if only for the sake of consistency, follow the cotton-duties.'

My Lord, to-day it is Manchester, to-morrow it may be Newcastle, the next day it may be Birmingham and so on from day to day till there will be nothing left to tax except sharks, fins and shells. I repeat that a duty on cotton goods cannot be objected to on the ground that it would be protective. But suppose I am wrong? Cannot the objection be met by imposing an excise duty on home manufactures? A countervailing excise duty ought to satisfy Manchester, if not the people of India. And this step will probably be taken by the Government of India if owing to a further decline in exchange they are obliged to re-impose an import-duty on cotton goods. But, to my mind, there is another and a more unexceptionable solution. There are some kinds of cotton yarn and goods used by the wealthier classes only which cannot be produced in India, and an import duty levied on such goods only cannot possibly, even by the warmest admirers of free trade, as against fair trade, be regarded as protective.

Some side issues, as I may call them, have been raised by Hon'ble Members. The unequal incidence of the in-come-tax as well as the additional burden placed on our finances by the exchange compensation allowances have been introduced into the debate. These, however, are questions upon which I do not know propose to enter. They may well wait till the Budget comes up for discussion. We have had as yet, if I may say so, merely the first instalment.

My Lord, I have done; but before I conclude I must say that the fair fame of England for just dealing, which cannot be too jealously guarded, is at stake. The

spell which she has so long exercised over her subjects, a spell more potent than the bayonet or the sword, which holds in loyal submission her vast empire is in danger of being broken. At such a moment as this we owe it to ourselves—we owe it to the country—we owe it to the Government under which we have the happiness to live—to give timely warning. Our warnings may be unheeded—our protests may be disregarded as ‘a tale of little meaning’ ‘chanted by an ill-used race of men’; but we shall at least have the satisfaction of having done our duty—a most painful, but I need hardly add, under the circumstances, a most imperative, duty.

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## BUDGET SPEECH FOR 1894-1895.

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*[Speech delivered in the Supreme Legislative Council during the debate on the Financial Statement for 1894-1895 :—]*

My Lord, the spectacle of a Finance Minister struggling against adversity cannot fail to call forth our respectful sympathy, and Mr. Westland has shown that, although he is obliged to pursue the wrong, he both sees the right and condemns the wrong he is doomed to pursue. My labours have, I am glad to say, been considerably simplified by the previous speakers, who have spoken with an authority and an experience which I cannot pretend to possess. I shall, therefore, confine my observations only to one or two features of the Budget which we are met to discuss.

I am sorry to say, my lord, that the Financial Statement which has been placed before us confirms the worst misgivings felt by the public when cotton goods were excluded from the Tariff Act. The bulk of the Famine Insurance Fund has been appropriated to the purposes of general administration, while the Provincial Governments have been also called upon for contributions out of their not over-abundant means. In the words of the Hon'ble Finance Member this last measure 'practically means the stoppage for the time of all administrative improvement, a measure which they feel must take all the heart out of Provincial Governmen

by making them surrender all the fruits of careful administration to fill the yawning gulf of our sterling payments.' The suspension of the Famine Grant, or the Famine Insurance Fund, as it is generally and properly called, is a still more serious matter, the gravity of which cannot be over-estimated. In introducing the Tariff Bill, the Hon'ble Mr. Westland said:—

The next head—that of *Famine*—includes, besides what is usually a small amount of actual famine expenditure, the grant which we make out of our surplus revenues, when we have any, towards protective irrigation and protective railways. We have at present a compulsory expenditure under the last category of about Rs. 3,80,000 towards the loss accruing to Government on account of the Beugal-Nagpur and Indian-Midland Railways. This amount is now shown in the Railway account, but the balance of Rs. 15,00,000 after this loss is met, is used, when we are able to afford it, for actual construction of railways and canals.

Now this language can hardly, I venture to think, be reconciled with the declarations of Government when the fund was first created out of the proceeds of certain taxes which were imposed for the first time in 1878 by the Government of Lord Lytton. The previous speakers have already referred to the pledge repeatedly given by his Lordship and I need not therefore further dwell upon it at any length.

On the 27th December, 1877, Sir John Strachey, in laying the Financial Statement of the coming year before the Council, thus explained the objects of the fund:—

Unless then, it would be proved hereafter by experience that the annual appropriation of a smaller sum from our Revenues will give to the country the protection which it requires, we consider that the estimates of every year ought to make provision for religi-

ously applying the same I have mentioned to this sole purpose and I hope that no desire to carry out any administrative improvement, however urgent, or any fiscal reform, however wise, will tempt the Government to neglect this sacred trust.

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I feel confident that I shall be able to satisfy the Council and the public that the resolution which the Government has proclaimed will be faithfully carried out, and the proceeds of these new taxes will be expended for the purpose of providing what I have called an insurance against famine, and for no other purpose whatever.

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The object which I thus stated is a perfectly simple one. These new taxes are required for the sole purpose of giving us, year by year, a sufficient surplus of income over expenditure, to meet these famine charges, which had not hitherto been taken into consideration in our yearly accounts.

It is true that some Finance Ministers have since declared that in their opinion the Famine Insurance Fund could be resumed in a case of imperative necessity, but these declarations are opposed to the solemn pledges given by Lord Lytton as the representative of the Queen-Empress in India. But suppose, in a very exceptional case, to avoid exasperating sacrifices or the imposition of extravagant burdens, to use the language of Sir Auckland Colvin, the Famine Insurance Fund may be trenched upon, has any such case been made out in the present instance? I submit not, and I fear, my lord, the public would continue to believe that the fund which was created for the purpose of developing the resources of the country and of saving the lives of millions from famine has been sacrificed for the purpose of serving the interests of a few English manufacturers.

And this brings me to another question—the exchange compensation allowance, which involves the diversion of taxes raised for the purpose of protecting the people from famine, to the increase of the salaries of the European servants of Government. I find that the Hon'ble Mr. Westland in his speech in introducing the Tariff Act said :—

There is another serious burden, arising from this same fall in the value of the rupee, which we have to bear, namely, the compensation which we have to pay to our European services for the fall in the exchange value of their salaries. The necessity for this had been pressing itself upon the Government for sometime and it was only with some hesitation that the Government decided, when the Budget Estimates last year were under consideration, that the decision on the question must be put off until the settlement of the currency measures then under consideration of the Herschell Committee. When these measures were settled, the announcement was made that an allowance would be made to the class of Government officers to which I have referred, of which the amount would be equivalent to the remittance of half their salaries (up to a maximum of £ 1,000), at an exchange of 1s. 6d.

In justification of the necessity and policy of this measure of limited compensation I wish to quote two or three weighty opinions, carefully guarding myself against any more official utterance, which might, under the circumstances, be considered to be effected by personal considerations. The first is an extract from the address of the spokesman of the deputation to Lord Lansdowne of February 3rd, 1893, which declared itself as representing merchants, traders, shipowners, bankers, landowners, producers, manufacturers, importers and exporters, and which certainly did not contain a single European official member.

My Lord, we freely confess to a strong feeling of sympathy with the servants of Government who find their incomes daily dwindling. But we are strongly convinced

that the adjustment of salaries and all other adjustments can only be properly effected by the reform of a currency system which has gradually, but with increasing rapidity, brought the country to the present pass. As the members of the Currency Association pointed out in their recent address to the Viceroy, a reform in the currency system ought to put an end to the demand for exchange compensation by the European servants of the Government.

It must also be remembered that the Indian public are not in favour of granting any compensation. And I shall here, with the permission of the Council, read a passage from a memorial submitted to Government by the Poona Sarvajanic Association. After pointing out that the supply of educated men in England has increased considerably since the salaries of European servants in this country were settled on their present basis, the Association goes on to say :—

The Committee would further submit that the present scale of the salaries of the European officials in this country was fixed at a time when it took six months to go from here to England and when those that came out to India had practically to live the life of exiles, when periodical trips to England could not be thought of, and when, owing to the absence of railways and other conveniences, the Europeans serving in this country had to live for the most part in complete isolation from one another. All these unfavourable conditions of life have, however, now changed for the better. In these days of cheap communication when railways and steamers have annihilated distance, residence in India cannot be so irksome or costly to the European as it must have been in old times. Under these circumstances, privileged rates of remittances constituted nearly the whole of the indulgence which European officers of Government who had to make such remittances could claim equitably. The present scale of Indian salaries, in the higher grades especially, as compared



with the English and Colonial scales, is again so excessively high that even with silver low as it is, these salaries cannot fail to be a great attraction to English youths. As a matter of fact, competition for Indian posts has not been found to be less keen than ever it was before.

The Committee of the Sabha would, therefore, respectfully pray that, for the reasons stated above, His Excellency the Viceroy-in-Council will be pleased to re-consider these rules with a view to introduce such modifications in them as would (1) prevent retrospective effect from being given to them; (2) limit the privilege to actual remitters up to a certain amount; and (3) lastly, that His Excellency the Governor-General-in-Council will order that no officer who has entered Government service during the last five years, or who may enter it hereafter, should be entitled to the special privilege secured by these rules.

The suggestions formulated in the memorial do not seem to be very unreasonable. It is not, however, necessary to discuss them as the question now is not whether the Government of India can fairly turn a deaf ear to the appeals of their servants for compensation for the loss sustained by them owing to the fall of the rupee, or whether such appeals are in themselves from an abstract point of view just and reasonable. That is not the question; that is not the issue now before us. The question is whether, having regard to the present condition of our finances, when, in the words of Mr. Westland, we must follow a programme of retrenchment and of vigilance, intended to tide us over a transition period, the Famine Grant should be suspended, even for one year, instead of the compensation allowance. The question now is whether, in order that such an allowance might be paid, all administrative improvements should be suspended and money wrung from the Provincial Governments out of

the fruits of careful administration. In other words the question is whether, in view of the imperious necessity of filling up the 'yawning gulf' in our finances, the compensation allowance should not either be abolished, reduced or modified, or at least suspended during the period of transition, in preference to the mode which has been adopted for restoring the equilibrium of our finances.

In conclusion, I desire to say that we are all sensible of the difficulty in which the Government of India have been placed owing to the opposition of Her Majesty's Government to the re-imposition of the cotton duties—an opposition which has driven the Government of India to take measures which will seriously retard the improvement of the country, cripple the resources of the Local Governments, and may possibly, in the event of a famine overtaking us, result in the loss of thousands or even millions of lives among the poorer people in this country.

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## BUDGET SPEECH FOR 1907-1908.

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*[Dr. Rash Behari Ghose delivered the following speech in the Supreme Legislative Council during the debate on the Financial Statement for 1907-1908 on 24th March, 1907:—]*

My Lord, I cannot open the debate without congratulating the Government of India on the reduction of the salt-tax. This great boon, I am sure, will be much appreciated in millions of Indian homes where even common salt is regarded as something in the nature of a luxury. In lightening the salt-tax, the Government have lightened, in some small measure, the hard destiny of the toiling masses who constitute the real people and who ought to be their first care. The successive reductions of the duty have all been steps in the right direction. But the greatest still remains behind,—the total repeal of a tax which is such a heavy burden on those who are the least able to sustain it. And we all hope that crowning step will be taken by your Excellency before you lay down your high office. By repealing this obnoxious tax, your lordship would add fresh lustre to a historic name which would then be cherished by us with the same affectionate veneration with which the name of Aurelian, who gave the people free salt, was cherished by the citizens of the Roman Empire.

The remarkable stimulus imparted to the consumption of one of the first necessities of life by the recent

reductions in the salt-tax of which the Finance Minister spoke on Wednesday last is, to my mind, a conclusive argument against the retention of an impost which falls so heavily on the hunger-stricken masses. Speaking in 1903, my Hon'ble friend Mr. Gokhale said that the consumption of salt was not even ten pounds per head, whereas the highest medical opinion lays down twenty pounds per head as the standard for healthful existence. But this standard will not be reached, till the tax is completely wiped out ; though it may be said that were food is not over-abundant, the consumption of salt need not be so high as twenty pounds. The Hon'ble Finance Member observed in defence, I presume, of the retention of the tax on salt, that it is the only contribution towards the public expenditure that is made by a large number of the people. My Hon'ble friend Mr. Gokhale, I know, does not admit the correctness of this statement. I hope, however, Mr. Gokhale is right ; for, if the Hon'ble Finance Member's assertion is well founded, what does it show ? It only shows the hopeless, the unspeakable, poverty of the masses in India.

My Lord, with the dark shadow hanging over our opium revenue, the total repeal of the duty may seem to be a bold or even a rash step to take. There is, however, a well-known saying about threatened men, and, I believe, this will hold good of our trade in opium with China. But if the Government of the country cannot be carried on without the revenue derived from salt, I would suggest the imposition in its stead of a succession duty on the estates of deceased Hindus and Mahomedans.

My Lord, our best acknowledgments are due to Government for the provision which has been made in the Budget under review for enabling local administrations to meet a famine immediately without being obliged to do so with their own limited resources. The new scheme promises to relieve the various local Governments of the strain on their exchequers when they are threatened with a famine. Under this system, the greater part of the burden will fall on the Imperial revenues. But the real problem before the Government is not to meet a famine by doles, but to avert it. This can only be done by lightening the burden of taxation, by the construction of irrigation canals, the spread of improved methods of agriculture, the encouragement of manufacturing industries and the growth of intelligence among the people by means of education. Without these neither Agriculturist's Relief Acts nor Land Alienation Acts will avert those terrible visitations which many intelligent foreigners regard as a standing reproach to the Government of the country. The evolution of the famine code may be a very excellent thing, but the evolution of agriculture and manufacturing industry would be more welcome. A hungry people, my lord, can never be a very contented people, for hunger is a mischievous counsellor, more mischievous than the most pestilent agitator or the most vocal loyalist whom it requires Ithuriel's spear to unmask.

My Lord, it may be, as we have been told, that no Government in the world except the British is capable of doing what Britain is able to do in India in times of famine, and that no Government that might be substitut-



ed for the British would even attempt to undertake such a task. But the world and its Governments are apt to be censorious and may be tempted to ask awkward questions when Indian famines are made to adorn a peroration or to point what to an English audience must be an obvious moral. Every school-boy knows the story of Aristides and the Athenians.

I have no desire, My Lord, to play the part of the pessimist who refuses to be comforted. But though the youngest member here present, I am no longer young in years and have lost the robust optimism and together with it some of the illusions of the springtide. Trade returns and increasing revenues, like all statistics, may be made to tell a flattering tale ; but the frequent recurrence of famines is an undeniable fact which is not adequately explained by rhetorical phrases about wresting the keys of the universe from Providence.\* And when I think in this Council chamber of my famished countrymen, I seem almost to hear their piteous ories which are as the 'moaning of the midnight sea,' and am unpleasantly reminded of a passage in Heine in which that rather strident mocker describes the dismay of the Olympian gods at a ghastly sight on which I may not be more explicit ; for this somewhat erratic genius who was engaged all his life in doing battle manfully with Philistinism did not write for the parsonage or the drawing-room.

This is, however, not the proper place to discuss the question on which so much controversy is surging in our day, namely, whether the people of India are

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\* See Lord Curzon's Guildhall speech.

growing more and more prosperous, notwithstanding the ever increasing economic drain for which Lord Salisbury, who was nothing if not cynically frank, substituted a stronger expression, which need not be repeated here. The reason why I do not enter upon the discussion is that I cannot compress it within the limits of a single speech. One thing, however, is clear. India is still a very poor country, and we must, to use a homely saying, cut our coat according to our cloth. And this leads me to say a few words on the military estimates. For though we cannot divide or even move a resolution, the lyrical function of speaking out our hearts is not denied to us. My Lord, it is our high office and privilege to be the interpreters between our countrymen and the Government, and we should be wanting in our duty if we did not attempt according to our feeble lights to assist in the solution of the various questions suggested by the Budget on which depend the happiness and prosperity of one-sixth of the whole population of earth. A great English minister whose name is dear to all lawyers told us the other day that he had no more control over these estimates than over the winds and tides, but we have not yet reached that stage of positive perfection which refuses to believe in the efficacy of prayers, and which, in the present case, need not be wafted across the seas.

One of our poets who lived many centuries before Shakespeare and Milton and whose name is quite familiar in Germany if not in England has said of an ancient Hindu King :—

"For the welfare of the subjects themselves he used to take taxes from them; just as the sun takes water (from the earth) to return (the same) a thousand-fold (in the shape of rain)."

Peace and order are no doubt the greatest blessings which the king confers on his subjects in return for the taxes paid by them, and it would be puerile to complain of any expenditure reasonably incurred in defending the country and in maintaining peace and order, without which no progress is possible. But there is a very general idea in this country that the military estimates are excessive. In the time of the Mogul Emperors when the soldiers were paid in land, only a few estates or rather their revenues—which I may mention in passing never left the country—were set apart for the support of the army. At the present day, however, our military expenditure exceeds the whole of the land revenue; so that not only has all India become one vast military feud, but even the poor man's salt must contribute to the maintenance of mountain batteries ready to take the field in any part of the world.

My Lord, I may be told that I am a mere lawyer 'that never set a squadron in the field,' but there are some questions on which even the man in the street may claim to be heard. Shortly after the Crimean War there was an interesting controversy between Lord Palmerston and Sir George Lewis on the proverbial saying that prevention is better than cure, which, like all epigrammatic sayings, contains only a half-truth. It may be a good maxim in medicine, but in its application to politics we must not forget that the system of

insurance may be carried too far. If an evil is certain and proximate, prevention is certainly better than cure; but not so if the evil is remote and uncertain. For the evil may probably never occur and the cure, should it occur, may not be very expensive. "Our foreign relations," said Sir George Lewis, that most logical of reasoners, "are so various and so intricate that if we insure against every danger which ingenuity can devise, there will be no end of our insurances. Even in private life, it is found profitable for those who carry on operations on a large scale not to insure. A man who has one or two ships, or one or two farmhouses, insures. But a man who has many ships and many farmhouses often does not insure."

Most people will, I think, admit the truth of these remarks; though they may not agree with Sir George Lewis that diplomatic agents, whose time is generally only half employed, are sometimes too apt to frighten their own Government with exaggerated reports of the ambitions and encroaching designs of foreign powers which, I may add, have sometimes a tendency to fulfil themselves. The real truth is, the foreign relations of England are on too large a scale to allow her to insure systematically for all risks, however remote and contingent. But she may always safely rely upon the valour of her sons and the good will and loyalty of a contented people.

I repeat the answer to the question that prevention is better than cure, must depend upon the magnitude, the certainty and the nearness of the peril against which we have to guard ourselves, and I submit that our enormous

military expenditure is too large a premium to pay to insure as against the off-chance of a foreign invasion, specially at the present moment, when our relations with our neighbours are most friendly, and there is not a speck of cloud in the blue sky. But some of us are too prone to anticipate the future, and in constantly watching the movements of other nations forget the humbler duties which lie near at hand.

On such a question of policy as this, and as Disraeli pointed out long ago, military expenditure depends upon policy, surely a civilian is entitled without presumption to form his own opinion. Indeed, in some respects he is likely to take a sounder view, as he would not be under the dominion of those idols of the den and of the market which are so apt to cloud our vision. "All professions, says Cardinal Newman, have their dangers; all general truths have their fallacies, all spheres of action have their limits, and are liable to improper extension or alteration. Every professional man has rightly a zeal for his profession, and he would not do his duty towards it without that zeal, and that zeal soon becomes exclusive or rather necessarily involves a sort of exclusiveness. A zealous professional man soon comes to think that his profession is all in all, and that the world would not go on without it." "We have heard, for instance," adds the Cardinal—he was speaking not in the twentieth but in the nineteenth century, "a great deal lately in regard to the war in India, of political views suggesting one plan of campaign and military views suggesting another. How hard it must be for the military man to forego his own strategic dispositions, not on the ground that they are not the



best,—not that they are not acknowledged by those who nevertheless put them aside to be the best for the object of military subjects,—but because military success is not the highest of subjects, and the end of ends,—because it is not the sovereign science, but must ever be subordinate to political considerations or maxims of government, which is a higher science with higher subjects,—and that therefore his sure success on the field must be relinquished because the interests of the Council and Cabinet require the sacrifice, that the war must yield to the statesman's craft, the Commander-in-Chief, to the Governor-General. Yet that the soldier feels is natural, and what the statesman does is just. This collision, this desire on the part of every profession to be supreme,—this necessary, though reluctant, subordination of the one to the other, is a process ever going on, ever acted out before our eyes."

My Lord, I fear in my remarks on the Budget I have endeavoured to cover too wide a field but there yet remain two questions which call for immediate solution, and on which I trust I may say without much arrogance or presumption I have some claim to speak.

It is frequently said that India is held by the sword. This is perfectly true. But the sword by which the country is held has both a finer temper and a keener edge than the rude weapon of the soldier : for it is the sword of Justice. Whatever, therefore, is calculated to promote the proper administration of justice ought to engage the earnest attention of Government. Now, I am not going to discuss the capacity of our young magistrates to deal out justice among a people with whose language they

can have only a very imperfect acquaintance, and whose manners, customs and sentiments must often be a sealed book to them ; for I know it is not always expedient to say things merely because one honestly believes them. But it is certainly not inexpedient to point out one most serious blot on the administration of criminal justice. Is it necessary to say that I refer to the union of judicial and executive functions in the same public servant ? I admit that the fusion may have been necessary in earlier times, and may possibly be still necessary in the more backward parts, but it is certainly an anachronism at the present day in the advanced provinces. The memorial which was addressed to the Secretary of State in July, 1899, by Lord Hobhouse, Sir Richard Garth, Sir Richard Couch, Sir Charles Sargent, Sir William Markby, Sir John Budd Phear, Sir John Scott, Sir William Wedderburn, Sir Roland Wilson and Mr. Reynolds embodies everything that can be said on the question ; and it would be a work of supererogation to travel over the same ground again. There are, however, some fallacies which would seem to be almost immortal. The opponents of reform still assert with a confidence not according to knowledge, that this combination is essential to the prestige of a public officer in an oriental country. But as pointed out in the memorial in question, is the prestige of the Viceroy less than the prestige which hedges in a district magistrate, because the magistrate may both catch a man and send him to gaol and the Viceroy cannot ? And this reminds me that prestige, which literally means an enchantment or illusion, is a word of evil parentage as a distinguished conservative

statesman said on a memorable occasion, and even in its best sense means something, I need not be more explicit, of which those who speak of their prestige have no reason to be proud. Lord Macaulay once said : 'I have often observed that a fine Greek compound is an excellent substitute for a reason.' In India, where a knowledge of Greek is not so common, and a new compound cannot be readily turned out, a sonorous word like prestige serves the same useful purpose.

It is also said by the opponents of the proposed reform that it is a mere counsel of perfection, as you cannot carry it out without doubling the staff throughout the country, and we are reminded of the condition of Indian finance. But Mr. Romesh Chunder Dutt, who rose to be the Commissioner of a Division, has shown that in the province of Bengal at least the separation of judicial and executive functions would not add materially to the cost of administration, as any additional expenditure which it might entail could be easily met by savings or economies in other directions. The scheme formulated by Mr. Dutt was referred to with approval in the memorial submitted to the Secretary of State, and there is every reason to believe that it can be practically carried out. It is, however, unnecessary for me to labour this point, for the plea of an empty exchequer is no longer tenable ; but I fear that a bureaucracy always 'perplexed by fear of change' will find some other excuse for retaining their authority. The scheme, they will say, looks very well on paper, but any attempt to put it into practice will certainly end in failure. Readers of Sydney Smith will, however, remember the

famous oration in which the greatest wit which the English Church gave to the nineteenth century gathered together the long catena of fallacies which were so ruthlessly exposed by that stalwart radical, Jeremy Bentham, whose name was once a bye-word for all that is hateful. 'I tell the honourable mover at once,' says the orator in Sydney Smith, 'his scheme is too good to be practicable. It savours of Utopia. It looks well in theory, but it won't do in practice. It will not do, I repeat, Sir, in practice, and so the advocates of the measure will find, if unfortunately, it should find its way through Parliament.' The truth is, a reluctance to part with power is inherent in human nature, and there is a great deal of human nature in the members of that much be-praised service, the Covenanted Indian Civil Service, some of whom, whose knowledge of the East seems to have been drawn from the Arabian Nights, would perhaps like to play the part of the Cazi sitting in the gate, administering patriarchal justice. "Just the thing, don't you know for these Orientals."

My Lord, the country has been waiting for the proposed reform for years. The distinguished men who memorialized the Secretary of State in 1899 earnestly trusted that Lord George Hamilton would ask the Government of India to prepare a scheme for the complete separation of judicial and executive functions, and to report upon this urgently pressing question at an early date. But nothing has yet been done. The question, we are told, is still under consideration. No reader of Dickens need, however, be surprised at this, especially when he remembers that red tape is now even cheaper than in the days of Little Dorrit.

The union of judicial and executive functions in the same person is not the only anachronism to which I would invite Your Excellency's attention. In the administration of the civil justice, too, we are weighed down by the dead hand of the past. The highest judicial offices with the largest salaries in the provinces have been reserved as a close preserve for the members of the favoured Civil Service. I freely admit that there are many among them distinguished by ability of the highest order. But ability however great cannot dispense with legal learning ; for though administrative skill may come by nature, a knowledge of law is unfortunately not one of the gifts of fortune. The result is, that their incapacity is contrasted with the knowledge and training of those over whose judgments they sit in appeal, members of the subordinate judicial service, as it is called, men of ripe experience and possessing the inestimable advantage of being natives of the country. Now, it may be, that the countrymen of Sir Salar Jung of Hyderabad, Sir Madhava Rao of Baroda, Dewans Poorniah and Ranga Charlu of Mysore, Sir Dinkar Rao of Gwalior, Babu Kantichandra Mookerji of Jeypore, are not fit for high executive office,—the experiment has yet to be made, but our fitness for judicial office is acknowledged by everybody including Privy Councillors like Lord Selborne.

So far back as 1842 the Indian Law Commissioners recommended 'a more extensive employment of the natives of the country as a means both of increasing the efficiency of the Courts and of improving the moral condition of the people.' Again the Public Service Commission, which included a retired Chief Justice of Madras and



other distinguished members, in their report, which was published more than eighteen years ago, said :—

It may be observed that many witnesses examined before the Commission have urged that judicial offices should be made ever more freely to natives of India, and some witnesses have gone so far as to recommend that the greater part, if not the whole of the civil judicial work of the country, might be usefully entrusted to native agency. In the expediency of employing duly qualified natives to a large extent in the judicial branch of the public service, the Commission fully concurs. The highest judicial offices in the country have already been filled by natives with marked ability, while the subordinate judiciary, which is composed almost exclusively of natives of India, has displayed very great aptitude for judicial office.

In 1869, a writer in the *Edinburgh Review*—it is an open secret that the author of the article was Mr Justice, now Sir William Markby—gave an extract from a minute of Mr. Justice Loch, who was formerly himself a District Judge, which shows pretty clearly the state of things in the sixties of the last century.

“An assistant,” said Mr. Justice Loch (that is, a member of the Civil Service who has just come out from England), “remains at the sudder station of a district for a very short period. In the course of a year from his joining it, he is liable to be sent to take charge of a sub-division. For the next fifteen years of his career, he is employed in the duties of a Magistrate and Collector.” That is the first part of his career, and the last part is described in these words :—“Without any training in the particular duties of a Civil Judge or *any knowledge of the law by which his proceedings are to be guided*, a man after fifteen or more years’ service as Magistrate or Collector, or both, is transferred to the bench and expected to control a number of subordinate courts, the judges of which may have commenced and continued their judicial career before he entered the service.”

It would be impossible to give a complete idea of such a career, says the Edinburgh reviewer, to any one who is not acquainted with the administration or rather the mal-administration of justice in India. Suppose, says the writer, a man who had divided fifteen years of his life between the duties of chief constable of a country, a land-agent, a justice of the peace and a clerk in Somerset House, were to be suddenly placed as a Judge in the Court of Queen's Bench, you would have something of the same kind in England and not more absurd.

I must not here omit to refer to a letter addressed nearly fifty years ago by Mr. Howard, Director of Public Instruction of Bombay, to the Government of that province, in which he said :—

The time is fast approaching when lawyers trained in this country will be procurable in such numbers, and possessed of such professional attainments and practical experience, as to constitute a formidable body of rivals to the untrained Judges of the Civil Service. I am well aware that many members of the Civil Service believe that a Judge in this country need have no law; that 'common sense' is enough for him illuminated by practice and a knowledge of the people. To this it would certainly be replied, with unanswerable force, that the question is not between knowledge of the law on the one hand and practical experience on the other, but between law and no law, practical knowledge being equal on both sides. The question then will present itself before many years—Can Government exclude from the highest judicial offices the only man who are specially educated and competent to fill them? And if the answer is in the negative, the result will sooner or later be to give natives a monopoly of the judicial Bench.

If Mr. Howard had belonged to the household of bureaucracy, he would not have been filled with these misgivings. The existing order of things may not be altered according to their law which altereth not. They may be

convinced, but they will not be persuaded. Mere routine and prescription, if I may venture to say so without offence, plays a large part in moulding their opinions, for the dyer's hand is subdued to what it works in. But the minds of men are widened with the process of the sun and I am not without hope that the reforms which I am now advocating will be carried out in due time. I say, due time, for I have no hope of taking by storm the stronghold of officialdom. I know too that reform is always slow-footed, and nowhere more so than in India. But I have no hesitation in saying that the time has arrived when the civil judicial work in the more advanced provinces may and ought to be entrusted to Indian agency.

I should add that since Mr. Justice Loch wrote, and the Edinburgh reviewer exposed the absurdity of the whole system, things have grown very much worse. For we now find boy-magistrates, as they are sometimes called by an irreverent public, of only seven or eight years' standing, promoted to the bench of the District Court. On the other hand, our universities are annually standing forth a large number of lawyers with the best legal training. The evil, therefore, instead of being on the wane is constantly on the increase, and any delay in reforming the system would only make the contrast between the Judges of the Civil Service and the trained lawyers more and more marked. Surely, surely this is a grave scandal which ought not to be any longer tolerated, even though its removal may trench on the vested interests of the Indian Civil Service.

Again the work of administration is gradually assuming such vast proportions, that if the country is to be

better governed, Indian agency must be more and more largely employed, as we cannot sustain the cost of importing our public servants from England, except under absolute necessity. The admission of one or two Indians annually to the covenanted Civil Service will not solve the problem, nor the promotion of a few men from the Provincial Service. It is no longer a question of generosity or even of justice, but as many distinguished Englishmen have said, of absolute financial necessity. This may be said to be a truism; but the enunciation even of truisms is sometimes not altogether unprofitable.

Both economy and the necessity for increased efficiency, therefore, call for the change for which I am pleading. It is also demanded by other and perhaps higher considerations. A new movement, my lord, is in progress which threatens to sweep aside the moderate party who are described as dark Feringees whose sole ambition is to please their English masters. It is no secret that your young men not merely in Bengal but also in the other provinces, not merely Hindus but also Mahomedans, are drifting further and further away from that party to which I have the honour to belong, and which they charge with having fallen under the spell of 'political hypocrisy' and 'transparent subterfuges' utterly unable to withstanding the subtle arts of those who would keep the word of promise to the ear and break it to the heart. In the bitterness of their hearts they forget all that they owe to Government, British peace and British order, British freedom of speech and British freedom of public meeting. They forget, too, that if the dead bones have begun to stir, it is English

science and English literature that have breathed the breath of life into them. But these men who claim to be the very salt of India can find nothing good in a foreign government and are continually mourning over the destruction of their arts and their industries, their exclusion from their legitimate share in the management of their own affairs, their physical as well as political enervation, their poverty and what they call their worse than Egyptian bondage.

I do not mean to hold this out as a threat; for I know the English character too well to imagine that our rulers would make any concession to groundless disaffection. I mention it only to induce them to look facts in the face. My Lord, men whose minds have been nourished on the strong meat of English history and of English literature, cannot long be refused a proper share in the administration of their own country. Here is an opportunity of redeeming the pledge given by Parliament in 1833 and repeated in the Queen's Proclamation which lays down the principle that the people of India have a right to share with their fellow English subjects, according to their capacity for the task, in the administration of the country, a principle which has since been repeatedly affirmed by the Government of India. My Lord, those who are jealous of the honour of England and feel any stain on her good name as a wound—and we as her adopted children can claim to be among them—must keenly desire that these promises should not remain a dead letter.

In the name, therefore, of economy, in the name of increased efficiency, by the solemn pledges given by the



Parliament of Great Britain, by that Proclamation which is at once our trust and our charter, the Proclamation of the good queen whose name will be cherished by us longer than the most enduring hall in marble or effigy in bronze, I invite, I beseech, I implore Your Excellency to throw open the judicial service to trained lawyers in India, and thus satisfy in some measure our legitimate aspirations.

I have already given so much good advice to Government that I feel some hesitation in giving more. But our rulers are civilised men and I am not likely to come to any harm if I venture to add that the income-tax, although an essentially equitable tax as falling on those who are best able to bear the burden, is in one respect open to objection; as the incidence of the tax is the same whether the income is precarious—as for instance, professional income—or permanent, earned or unearned.

My Lord, I began by thanking Government for the reduction of the salt duty, and I will conclude by expressing our deep gratitude for the grant of 303 lakhs for the encouragement of education as well as the promise which is held out of free primary education. What the country wants is a network of schools for primary as well as secondary education, and, above all, the very highest kind of technical education; for the industrial development of the country with its vast resources, is the problem of problems of the present day. We know how difficult it is to build up an industry without protection. But to ask for protection for our nascent industries would be to cry for the moon. We cannot regulate our tariffs; we can only suggest and implore. And this is the real secret of

the strength of the Swadeshi movement. We know that the industrial supremacy of England was first established under a policy of strict protection which had such a disastrous effect on our own industries. We know, too, how Germany and the United States have prospered under a similar policy. The Government of India have, I am glad to say, expressed their sympathy with the Swadeshi movement. Now, if they cannot show their sympathy by abolishing the excise duties on our cotton manufactures, let them show it by endowing a central polytechnic college on the model, I will not say of the institutions which have been established in the United States or in European countries, but on those which have been established in Japan. But though we want more than Government are now in a position to give us, I repeat that we are deeply thankful for the liberal provision which has been made for the wider diffusion of education. And here let me congratulate the Hon'ble Finance Minister on the Budget he has been able to lay before us. If it is true that 'a sorrow's crown of sorrows' is remembering happier things, it is equally true that a joy's crown of joys is the memory of unhappier times. And I remember the dark days when, owing to the financial situation of the Government, the construction of important public works had to be suspended, when all branches of the administration were starved, and when even the cry of the military authorities, 'Give, give,' not unfrequently met with a blunt refusal. And I also remember how that good man Sir James Westland struggled manfully against adversity, and that the only redeeming feature in his Budget was the grant

of the exchange compensation allowance, against which, however, I had the hardness of heart to protest in the interest of the not very lightly taxed people of this country.

I have now, my lord, come to an end. I trust in the few remarks which I have ventured to make on the Budget I have not shown a censorious spirit. If I have not extenuated anything or played the role of an indiscriminate panegyrist, an easy role to play, no one can say that I have deliberately set down aught in malice. Perfect impartiality, we all know, cannot be expected from any man, not even from an official bronzed by thirty-five Indian summers. But one thing I may claim for myself without boasting, and that is honesty of purpose—an honesty of purpose which is perfectly compatible as well with fidelity to Government as with devotion to best interests of the land we love most, our motherland, a land of which we have every reason to be proud.

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## THE INDIAN CRIMINAL LAW AMENDMENT BILL.

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*[The following speech was delivered in the Supreme Legislative Council on Friday, the 11th December, 1908:—]*

My Lord, when the Executive have deliberately come to the conclusion that they should be invested with new powers to maintain law and order, it is, generally speaking, the duty of every member to support the Government; specially at a time like this, when they have to face a great and serious, though not a widespread evil. I am, therefore, glad to be able to say that I can honestly vote in favour of the Bill. But there is one clause in it, and only one, which I have not been able to bring myself to accept. I mean the clause which gives the Executive power to suppress associations which they may deem to be unlawful.

In proposing to take this power to-day the Government, I venture to think, are following a not very logical process. In denying the necessity for urgency when the Bill, which afterwards became the Irish Criminal Law and Procedure Act of 1882, was before the House of Commons, the present Secretary of State for India said:—

The Government are going to work in an inverted order—they are beginning with a policy which will aggravate the existing evil and will weaken and spoil the operation of whatever future remedies they may be able to propose.

My Lord, the long promised reforms are now in sight. We shall know them on Wednesday next, when I am confident they will be gladly welcomed by all His Majesty's subjects in India. Coercive legislation, in my humble judgment, should, if necessary, have followed, not preceded, conciliation. The resources of coercion are, we have been told, inexhaustible. So, too, I submit, is the store of healing methods, which are not unfrequently more potent than coercion and to which, except under the gravest necessity, the Liberal party in England have always trusted even in a country in which conciliation does not always make much impression on the people. The anxiety again of the Government to pass this Bill in one sitting may not improbably create unnecessary alarm, not indeed in India but in England, where an ill-informed Press seems to be under the impression that something like a revolution is impending in this country, and that all law and order have ceased to exist.

My Lord, we have heard a good deal of the panacea of a firm and resolute Government. But though it has not been a very brilliant success in another country, if I could persuade myself that India or any part of it was in the condition of Ireland not very long ago, I would have assuredly given the Government my humble but steady and unflinching support and voted for the whole Bill with all my heart and soul. But I ask,—Is there any network of secret societies in this country? Any association like Irish Land League? Anything like the Reign of Terror, which at one time hung as a dark and ominous cloud over Ireland? I would also ask—Has the ordinary law been found inadequate to deal with disorder? The Irish Pre-



vention of Crimes Act of 1882 opened with the preamble—'Whereas by reason of the action of secret societies and combination for illegal purposes in Ireland the operation of the ordinary law has become insufficient for the repression and prevention of crime.' This was nothing but the bare truth, for we all know that at the time Ireland was in a state of revolution and society—it is no exaggeration to say—was on the very verge of dissolution. In this country, however, anarchism is only a passing distemper, and it has yet to be shown that the operation of the ordinary law is insufficient for its repression and prevention.

My Lord, no Irish Viceroy had to face greater difficulties than Lord Spencer, or was put to a severer trial; and yet he succeeded where Mr. Forster had failed, because he possessed an inexhaustible store of that 'steady-eyed patience' which, we are told on very high authority, is essential in an Irish Viceroy. Your Lordship, if I may say so without impertinence, possesses in an equally large measure all those qualities which enable Lord Spencer to restore law and order in Ireland without the help of stringent Coercion Acts. We know also that Your Lordship is not an admirer of resolute Government and the country cannot be too grateful to you for the nerve and firmness which you have exhibited throughout these anxious days. It is, therefore, peculiarly painful to me to have to oppose any part of this Bill. The responsibility, too, which I have ventured to take upon myself, is very, very great. But I owe it to myself, I owe it to your lordship, to whom I am indebted for my seat in this Council, I owe it to the party to which I belong—the educated classes as they are generally called—to speak out my mind.

The educated classes, my lord, have been taught and taught by their rulers, to whom they owe a debt they can never hope to repay, to regard Government even by the best Executive in the world with distrust. Sir Henry Maine, who, according to Lord Morley, was too much of a bureaucrat alike by temperament and training, said many years ago :

The educated youth of India certainly affect a dislike of many things which they do not care about and pretend to many tests which they do not really share, but the repugnance which they invariably profess for discretionary Government has always seemed to me genuinely hearty and sincere.

My Lord, the educated classes have been long accustomed to sneers and taunts, gibes and calumnies, but I should have thought that they would at least be spared the insinuation that they are disloyal. What! The educated classes disloyal? They must be so many lunatics if they were really disloyal. Are hundreds of thousands of men to be branded as disloyal, merely because a few misguided persons, mostly boys, have been betrayed into silly treasonable practices? If, my lord, we do not wear our loyalty on our sleeves, it is because our loyalty is, and ought to be, above all suspicion; because, to doubt it, would be to doubt our sanity. I repeat, our loyalty ought to be above all suspicion, for we know that the continuance of British rule is absolutely essential to our gradual growth as a nation. We cannot, therefore, too strongly condemn anarchism or anything wearing even the appearance of treason, as it will tend to alienate our rulers from us. We condemn anarchism, because it is sure to retard all progress, as it is a fatal delusion that concessions can be wrested from the people of England

by violence. We condemn anarchism, because its spread can only end in the dissolution of all that holds society together. And we condemn anarchism most, because it is opposed not only to the laws of man but also to the laws of God. It is perhaps never safe in such cases to indulge in predictions, though I may say without boasting that some of my forecasts have proved only too true. But this I may assert without much rashness—that anarchism is bound to die out. It will not, I fear, be killed by Coercion Acts. But it will die, it is bound to die, because it is in opposition to the best traditions of our race—traditions which are much older than that gospel of love which was preached eighteen centuries ago—older even than the teachings of Gautama Buddha. Anarchism, I repeat, is bound to die, because it is in opposition to all those precepts of pity and of compassion for the meanest of sentient beings which are our great, our priceless heritage—precepts which still guide and inspire the life of every true son of India and which will continue to guide and inspire it, till civilised man exchanges all the gentler, purer and higher qualities of humanity, for the tiger instincts of the savage.

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## PART III.

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### MISCELLANEOUS SPEECHES.

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#### REPLY TO LORD CURZON'S CONVOCATION SPEECH.

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*[Speech delivered as President at a public meeting held in Calcutta, on 10th March, 1905, to protest against Lord Curzon's Convocation Address of 11th February, 1905, to the Calcutta University and his general reactionary policy.\*—]*

In rising to address you, I must begin with a word or two about myself ; but I promise to be very brief as an

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\* In the course of his Convocation Address his lordship is reported to have said : " I hope I am making no false or arrogant claim when I say that the highest ideal of truth is, to a large extent, a Western conception, . . . . But undoubtedly truth took a high place in the moral codes of the West, before it had been similarly honoured in the East, where craftiness and diplomatic wile have always been held in much repute. We may prove it by the common innuendo that lurks in the words ' Oriental diplomacy ' by which is meant something rather tortuous and hyper-subtle. The same may be seen in Oriental literature. In your epics truth will often be extolled as a virtue ; but quite as often it is attended with some qualification, and very often praise is given to successful deception practised with honest aim. The English opinions on this subject are strong, distinct, uncompromising in the abstracts. Hindu and Mahomedan opinions are fluctuating, vague and to a great extent depended upon times, places and persons."

immoderate use of the first person singular appears to me to be much more offensive than an immoderate use of mere adjectives.\* The first thing that I have to say about myself is that I cannot claim to be a hero of a hundred platforms or even of one, nor am I an habitual reviler of authority.† I am by profession a lawyer and not an agitator. And if I am here this afternoon, it is not because I take any delight in railing at Government; but because I honestly believe that Lord Curzon is lacking in that breath of vision, tactfulness and flexibility of temper which we naturally expect in one occupying the unique position of an Indian Viceroy. His lordship, if I may say so without impertinence, is undoubtedly possessed of great and varied gifts. But the gods are jealous, and it would be flattery, which as we all know his lordship hates, to affirm that he possesses in any large measure those qualities which are so essential in the representative of His Majesty in this country. Does anybody doubt it? Let him read the Chancellor's speech on the last Convocation day of the Calcutta University. The style of that speech was certainly not Asiatic: nobody could accuse Lord Curzon of such an offence against good taste. But did it possess Attic grace and lightness? Decidedly not. The whole speech was in what Matthew Arnold calls the Corinthian style—a style which his lordship strongly urged our young men to avoid. There was not the least trace of light or sweetness in that speech which was redolent not of the

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\* Lord Curzon complained of the immoderate use of adjectives by Indians.

† See Lord Curzon's speech.



"Olive grove of Academe " but of the House of Commons, or perhaps it would be truer to say, of the hustings. It was full of sarcasms, full of sneers, in which sympathy with the people of this country who may be said to be the wards of England was conspicuous only by its absence.

One of the greatest political figures in England said on a memorable occasion that he did not know how to frame an indictment against a whole nation; but Lord Curzon dressed in the Chancellor's robe and a little brief authority was able to frame an indictment not only against the people of India, but also against all the various nations of Asia—Asia which gave to the world Gautama Buddha, Jesus Christ and Muhammad, who may not have taught men how to rule but who certainly taught them how to live and how to die.

The truth is, these theories of race, as Sir Henry Maine tell us, have little merit except the facility which they give to some persons, half-educated writers of doggerel for instance, for building on them inferences tremendously out of proportion to the mental labour which they cost the builder. And in this connection I would venture to ask his lordship, who is a scholar, if praise is not often given to successful deception in the ancient classical literature of the West and also in other writings I need not name on which the youth of Europe are nurtured even at the present day ?

In one of his numerous speeches—there are very few brilliant flashes of silence—Lord Curzon said : "You will never rule the East except through the heart." Is the Convocation speech of his lordship likely to win our

affection ? And yet it is easy enough to touch our hearts, as easy, say, as it is to pass a Validating Act through the Viceroy's Council.\*

One word more before I part with this painful topic. The Indian, says Lord Curzon, is most certainly a citizen of the British Empire, and his lordship is indignant at the idea that he is a mere hewer of wood and drawer of water : but nobody, I think, would take such a statement literally, any more than his lordship's reference to High Court Judges, Ministers of Native States and high Executive and Judicial officers in the service of Government. His lordship, however, has no reason to be surprised, if in moments of spleen such expressions occasionally drop from some of my young and impulsive countrymen ; for I find that in his Guildhall speech Lord Curzon said :

It is with Indian cooly labour that you exploit the plantations equally of Damerara and Natal ; with Indian trained officers that you irrigate Egypt and dam the Nile ; with Indian forest officers that you tap the resources of Central Africa and Siam ; with Indian surveyers that you explore all the hidden places of the earth,

In this picture drawn by the hand of no mean artist, the Indian stands in the foreground it is true, but only, you will notice, as a tiller of the earth making it flow with milk and honey not for himself but for his masters.

I will now pass on to some of the legislative and administrative measures of his lordship. The history of the present Calcutta Municipal Act is familiar to you all, and I need not relate it ; but every one of you may not

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\* The Indian Universities (Validation) Act, 1905, was passed at one sitting.

know that though Sir Alexander Mackenzie sought to make the chairman independent of the Corporation in the discharge of his executive duties, we owe the curtailment of the elected element in the new Corporation to Lord Curzon, who proposed the reduction as a most effective though "hitherto unsuggested check" upon the abuses and anomalies which, it was said, had grown up under the old system. Sir Alexander Mackenzie would have at least left us the shadow of self-government; but to Lord Curzon belongs the credit of reducing it to the shadow of a shade. The Lieutenant-Governor wanted to admonish us only with whips. But his lordship chastised us with scorpions.

The proposed Partition of Bengal is also another "unsuggested check," should I be very wrong in saying, on the struggling sentiments and stifled aspirations of the people of Bengal. The alarm which the proposal has created is, I can solemnly assert, perfectly genuine and has spread even to those who are ordinarily in the habit of regarding Government measures as the dispensations of a mysterious power. The grounds on which one opposition to the threatened Partition is based were so fully discussed by Sir Henry Cotton in this very hall a short time ago that it would be a work of supererogation to restate them on the present occasion. The Viceroy, however, seems to have made up his mind and is determined to divide Bengal. And in connection with this question, I may mention, that text-books for primary schools are henceforth to be compiled in local dialects, because our administrators are particularly solicitous for the welfare of the silent and

inarticulate masses, who if they learn to speak at all should, they think, learn to speak only in their own native dialects. Whether persons who are not administrators are likely to regard the proposal in the same light is a question which I will not pause to discuss. I will only say that if our officials were possessed of the gift of seeing themselves as others see them, they would command much greater respect.

The abolition of the competitive test would also seem to be another "unsuggested" reform. It is true the Public Service Commission presided over by Sir Charles Aitchison reported that "in parts of the country where the general educational conditions are more advanced than elsewhere, especially in the Presidencies of Madras and Bombay and the Lower Provinces of Bengal, a system of an open competition would give satisfaction to some important classes of the community and would meet objections that are justly felt to a system of nomination." But Lord Curzon is wiser than the members of the Public Service Commission, wiser than Mill, wiser than Macaulay, wiser than the distinguished statesman who accomplished a similar reform in the Civil Service in England. Now it may be true that the competitive system has some drawbacks; but experience has shown that it everywhere increases the efficiency of the public service and stimulates the acquisition of knowledge. Above all, as a thoughtful writer who is also a statesman has observed, it strengthens the social feeling for the maxim that the career should be open to the talents. Lord Curzon, however, is anxious to "free the intellectual activities of the Indian people, keen and restless as they

are, from the paralyzing clutch of examinations," for which every idle lad in this country ought, I think, to be grateful to him.

And this brings me to the Universities' Act, one of the gifts of Lord Curzon to this country, which my countrymen refuse to accept, because they regard it with distrust. By this Act the whole system of higher education has been practically placed under official control. This is not all. Lord Curzon's measure will place University education beyond the reach of many boys belonging to the middle classes. And here, perhaps, I may be permitted to remark that to talk of the highest mental culture as the sole aim of University training betrays a singular misconception of the conditions of Indian life. Our students go to the Universities in such large numbers, because they cannot otherwise enter any of the learned professions or even qualify themselves for service under Government. I would also point out that education, though it may not reach a very high standard, is still a desirable thing, on the principle that half a loaf is better than no bread. The fallacy that lurks in Pope's well-known couplet has been so clearly exposed by Macaulay, Whately, John Stuart Mill, and last though not least by Mr. Morley, that I will not occupy your time with discussing it. One word more. The standard of education will never be improved either by Universities' Acts or Validating Acts. It can only be done by attracting to this country, as teachers of our youth, men distinguished by their scholarship or by their scientific attainments, like those who occupy the chairs in European Universities.



The Official Secrets Act is another measure which we owe to Lord Curzon's Government. It was passed in the face of the unanimous opposition of both the European and the Indian communities. The *Englishman*, the leading newspaper in this part of the country, thus spoke of the Bill when it was before the Council :—

Very grave rumours, which we mention for what they are worth, credit the Government of India with bringing forward amendments to the Official Secrets Bill, which leaves its principal defects untouched. What those defects are have been clearly and unmistakably pointed out, and they are so serious that the Viceroy, speaking from his place in the Legislative Council in December, professed to stand aghast at the picture of the official Machiavellianism which they reveal. His Excellency also professed to have been moved by these criticisms and he gave a solemn pledge that so far as in him lay, the provisions which were so universally execrated would be modified or withdrawn. If it be true, however, that the divulgence of civil secrets is still to be penalized, we have not the slightest hesitation in saying that one at least of its worst features is being retained. The public is in no mood to be treated in such a manner and it becomes our duty to warn the Government that, if this provision or any of the other cardinal vices of the Bill remain, it must make up its mind to the renewal of an agitation which will not slacken until the measure has been withdrawn—or repealed.

But Lord Curzon remained unmoved and the Bill was passed into law, for his Lordship seems only to care for the opinion of the inarticulate masses—"whose hearts," I may mention in passing, according to Lord Curzon, "had been touched with the idea of a common sentiment and a common aim" by the Delhi Darbar, and in whom his Lordship has noticed "a steady and growing advance in loyalty" during his own administration.

"Public opinion in India," said his Lordship from his place as Chancellor of the Calcutta University, "cannot for a long time be the opinion of the public, that is of the masses, because they are uneducated and have no opinion in political matters at all." This probably is the reason why so little attention is paid to the views of the elected members in the Legislative Councils who sit there merely to play the part of the chorus in a Greek Tragedy. But surely we cannot be asked to wait till the masses, who do not know what it is to have a full meal from year's end to year's end, cease to feel the pangs of hunger and become sufficiently educated to discuss the ways of a foreign bureaucracy. In that case, we shall have to wait for that dim and distant future when, according to Lord Curzon's forecast, some approach to an Indian nation will have been evolved. His Lordship also said that public opinion, if it is to have any weight, must be co-ordinated with the necessities and interests and desires of the community which are perhaps hardly capable of formulating an opinion of their own. So long as this co-ordination is not achieved no weight, it would seem, should be attached to public opinion in this country, and I imagine that it was on this account that the Government of Lord Curzon paid no attention to the opinion of the educated minority on the Official Secrets Act, the Universities' Act or the recent Validating Act, which compromised the dignity alike of the Legislative Council and of His Majesty's Judges.

Lord Curzon also said in his Convocation speech:—

Of course, in India it is very difficult to create or to give utterance to a public opinion that is really representative, because

there are so many different classes whose interests do not always coincide : for instance, the English and the Indians, the Hindus and the Mahomedans, the officials and the non-officials, the agriculturists and the industrialists.

If Lord Curzon is right, there can be no such thing as true public opinion even in England, for there are many questions on which controversies between different classes of the community must arise from time to time. To take one example out of many, the interests of the capitalist are frequently in conflict with those of the working man. Is it, therefore, to be said that public opinion in England is merely sectional? So in this country, questions may sometimes arise on which the Englishman may be divided against the Indian, the Hindu against the Mahomedan, the agriculturist against the industrial, but surely where there is no such conflict, the Government cannot ignore the opinion of the educated classes an altogether negligible quantity.

The truth is, Lord Curzon believes whatever he desires and is never troubled with any misgivings. His Lordship also seems to think that he has got to use a homely phrase, a clean slate and that whatever is, is wrong. Now, energy and a zeal for reform are, no doubt, excellent things in their way but an excess of either is not regarded as a virtue in a statesman.

Gentlemen, we all admire Lord Curzon's great abilities, his intense devotion to duty and his monumental industry. Simla is certainly no longer a Capua. We do not also distrust his love for India which he has repeatedly told us is next to his own country, the nearest to his heart; nor are we offended with him, because he is rather

fond of playing the part of the candid friend. But we doubt, with all deference, his possession of those higher qualities of statesmanship which are essential in a ruler of men, and in none perhaps more essential than in an Indian Viceroy. The Convocation speech betrays the limitations of his Lordship in a manner not to be mistaken.

To sum up. Almost all his Lordship's measures have tended towards strengthening the Simla bureaucracy, and Russianising, I thank the *Englishman* for teaching me that word, our system of administration. This has been specially shown by his attack on Municipal Self-Government in the case of the Calcutta Corporation ; his Education Act, which destroys the independence of the Universities and converts them into a department of Government, and in his measures against the freedom of the Press. The result has certainly not been " a steady and growing advance in the loyalty of the Indian people " of which Lord Curzon spoke with such unction to an English audience last year. Optimism, however, is blind. But the moving finger writes, and having writ, moves on.

In one of his speeches, Lord Curzon spoke of regard, for our feelings, respect for our prejudices and deference even to our scruples. But the dominant note of his administration has been a disregard of public opinion and an impatience of criticism which always betrays itself in his public utterances and which shewed itself conspicuously in almost every word of his Convocation speech. It may be said of him what Metternich said of an English statesman of the last century, that he is an audacious and passionate marksman ready to make arrows of any wood.

In the very first speech that Lord Curzon delivered in India, he said that he would act in a manner not unworthy of that august and benign Sovereign whom he was privileged to represent. He also said that he would spare no efforts to fortify, to diffuse and encourage that feeling of loyalty to the English throne which holds together the diverse races and creeds of this country. Does his Lordship believe that his last Convocation speech fulfils these promises? His Lordship also said that sympathy shall be one of the keynotes of his administration. Is any sympathy discernible in his Convocation speech, any feeling of the sentiments of the people in his proposed Partition of Bengal, any sympathy with the poor and struggling student, who only seeks to earn a living by passing through the University? As for the educated classes for whom he had nothing but sneers all that Lord Curzon has to say is that "there are some people who clamour for boons which it is impossible to give." But his Lordship forgot that though we are loyal and must always remain loyal to England, a country to which we owe so much, and though sufferance is the badge of all our tribe we have like other men senses, affections and passions.

I trust I have not done any injustice to Lord Curzon. Indeed I think I might without any difficulty have made out a stronger case, but the half is sometimes better than the whole. I have not said aught in malice and have carefully avoided rhetoric. Gentlemen, it is always disagreeable to have to speak of oneself, but I am bound to say that I am not one of those who purchase their



opinions for an anna or less a day,\* nor am I in the habit of calumniating my opponents who consist exclusively of my learned friends at the Bar. I have also never taken part in the manufacture of public opinion; but if in spite of my best endeavours to guard myself from those vices against which Lord Curzon raised his warning voice the other day, I have done any injustice to his Lordship, I can only console myself with the reflection, that there are some infirmities from which the average man cannot altogether free himself. "The contemporaries of superior men," says Goethe, "may easily go wrong about them. Peculiarity discomposes them; the swift current of life disturbs their points of view and prevents them from understanding and appreciating such men." And Lord Curzon, we all know, is a superior person.

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\* Lord Curzon said that Indians were in the habit of borrowing thier opinions from cheap newspapers.

## LADY DUFFERIN FUND.

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*[Speech delivered in supporting the adoption of the report at the Fifth Annual Meeting held at the Town Hall, Calcutta, on 7th February, 1890, H. E. Lord Lansdowne presiding :—]*

I rise with much pleasure to support the resolution which has just been seconded by Mr. Justice Ameer Ali. The report for the last year is very encouraging so far as the past is concerned and is full of promise for the future. The best prophet of the future, it has been said, is the past, and, therefore, although we are sometimes warned that we must not prophesy unless we know, I may safely predict that, in a short time, we shall find branch associations springing up in every province and in every town till the whole land is girdled round by hospitals and schools of medicine for ladies. But I need hardly point out that this prospect cannot be realized without a large expenditure of money, and we are troubled with that eternal want of pence which vexes public men as well as philanthropists. Money is said to be the sinews of war, but we must not forget that the triumphs of peace cannot be achieved without it any more than the victories of war.

I came across a paragraph the other day in an English paper which struck me very much. The Charity Record gives the total contributions in England for the last year at  $2\frac{1}{2}$  millions sterling in round numbers. It

shows that the sum total of the legacies of £ 50 and over in 1889 was in round figures a million sterling, while the sums resulting from innumerable small bequests of £ 50 and under, and from the fairly regular income produced from annual subscriptions, fancy fairs, festivals, Saturday and Sunday funds and civic gifts amounted to about a million and a half. Now, with these figures before me, figures of arithmetic it is true, but far more eloquent than any mere figures of rhetoric, I have no misgiving in appealing to our English friends for support, although we should, by no means forget the diminishing rupee growing fine by degrees but not beautifully less. I must, however, principally appeal to my own countrymen for whose benefit primarily the Association exists; and here too I have not the slightest misgiving, for I know I am appealing to a nation which for centuries has done without poor rates or workhouses. I am appealing on behalf of suffering women to a nation which has been taught from the earliest ages that where women are honoured, the gods themselves are pleased. We know that the pagoda tree is now a mere tradition if indeed it was ever native of the soil. But let not our enemies say that Eastern charity and Eastern munificence are also the dreams of romance or that we have inherited the blood but not the virtues of our ancestors. Speaking for myself I must say that I do not apprehend any such unfriendly criticism. What we want is not the spirit of charity, but its direction in proper and appropriate channels, and our Western culture should teach us more refined and beneficial modes of showing our sympathy with those who are afflicted or distressed in "mind, body or estate."

Gentlemen, I cannot sit down without paying a tribute of respect to the noble lady with whose name our Association will always be inseparably connected, and whose mantle, we are glad to see, has fallen on very worthy shoulders. The Countess of Dufferin, if I may say so without presumption, has many titles to distinction: her laurels have been gathered in various fields, but I venture to doubt whether any of her achievements is likely to give her a purer, a holier, pleasure than the foundation of the society with which her name is associated in this country. And I do not use the language of exaggeration when I say that she has, what so few are privileged to do, won the homage of a nation, a homage which is cheerfully rendered and not yielded to the mere accident of her position. Thanks to her unremitting exertions and the ready sympathy of the august lady who rules over us, the lady doctor is now abroad, going forth conquering and to conquer pain and disease and to fulfil the mission of women in a fuller sense than even the poet imagined when, in addressing the sex, he exclaims, after saying some rather naughty things, which I must not repeat—

When pain and anguish wring the brow,  
A ministering angel thou.

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## LADY DUFFERIN FUND.

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*[Speech delivered at the English Annual Meeting held at the Town Hall, on the 17th February, 1893 :—]*

In rising to speak immediately after Sir Philip Hutchins, I am somewhat unpleasantly reminded of the well-known lines which Shakespeare, who was himself an actor, has placed on the lips of the Duke of York in the closing Act of Richard II. But I cannot allow my feelings of diffidence, however well-founded, to stand in the way of discharging so agreeable a duty as that assigned to me this afternoon. The report which has been just presented, I think you will all allow, shows substantial progress in the work of the Association, and we may well congratulate ourselves on the large measure of success which has been achieved during the year under review.

The primary objects of the Association, I need hardly remind you, are the supply of medical assistance to our women and children, and the gradual training in this country of women as doctors, nurses and midwives. The figures given in the Report show the number, which is annually increasing, of the patients treated in the year under review, and constitute the most tangible evidence of the success of the Association. These figures, however, do not include those who have been treated in their own homes. The number of students, too, shows a considerable increase on that of the previous year, being 262 in 1892 against 224 in 1891, and it is satisfactory to



note that the lady students are quite able to hold their own against male students in the examination hall. These students, I may also note in passing, are recruited from all classes; and Europeans, Eurasians, Brahmins, Parsis, Bannias, Musulmans and even Jewesses are to be found among their number. The last, but not the least, satisfactory feature of the Report is the financial condition of the Association, which, as the Report shows, is in a healthier condition than in any previous year; and the balance sheet at the close of the year is enough to make our anxious Finance Minister wild with envy. Three years ago in this very hall, you may remember, Sir Stuart Bayley had to make the humiliating confession that the contributions from Bengal left a good deal to be desired: but I am now glad to be able to say that my own province has retrieved its old reputation for generosity and the names of the munificent donors who have aided in redeeming our fair fame may be read in the Report. But much still remains to be done, especially in Calcutta, the metropolis of the Empire, and it would be a standing reproach to the citizens of the premier city if the necessary funds should not be immediately forthcoming.

On a previous occasion on which I had the honour of addressing the annual meeting of the Association I ventured to predict, notwithstanding the somewhat cynical saying of George Eliot that prophesying is the most gratuitous form of error, that our Association was destined to do more than answer the expectations of its most ardent supporters. And it gives me much pleasure to find that there is now every prospect of the prediction

being fulfilled. When the movement was first started, many men shook their heads and indulged in all manner of dismal forebodings. But happily we have passed through the period of probation, and the institution is now an assured success. We are, as it is well-known, a very conservative people, and it is no disparagement to our women to say that they are inspired by all the conservatism of the sex. It is, moreover, notorious that social prejudices always die hard. But though the old order changes slowly, it changes nevertheless; and the assertion may, therefore, be hazarded without much temerity, that great as are our present possessions, our reversions are still greater. I have therefore much pleasure in asking you to adopt the Report which has been presented to you—a record of useful work in the past, and full of promise and of encouragement for the future. But although our prospects are very hopeful, we cannot dismiss from our minds one sad thought. Before the end of the year, we are likely to lose the services of our present Lady President to whose unremitting attention and fostering care, the success of the Association is largely due. If the institution owes its existence to the lady whose name it bears, it is not too much to say that it owes its present healthy condition to the careful nurture it received at the hands of Lady Lansdowne. She who plants and she who waters are one, and are fellow-labourers together, and the names of both the distinguished ladies will, I am sure, never cease to be held in pious and affectionate remembrance by my countrymen. There are many things, gentlemen, the memory of which soon passes away, and perhaps in some

instances it is just as well that such should be the case ; but there are things the memory of which will not and cannot pass away, and round which no speck of dust will ever be suffered to gather. Such is the memory of kind hearts and generous acts, and I am sure I am speaking the sense of my countrymen when I say that the historic name of Lansdowne will, together with that of Dufferin, live long in the memory of a people whom whatever their failings may be, even their most candid friends dare not charge with ingratitude or want of sensibility. In conclusion, I will only say that this Association which ministers to our women and children in sickness and in affliction is most appropriately presided over by the first Lady in the land. To woman is vouchsafed a larger measure than to the less favoured sex the gift which has been rightly called the divine gift of pity, for the sufferings which are common to our kind, and the relief of which should be at once a duty and a pleasure. Spirits are not finely touched, but to fine issues and to woman belong of right the unsullied crown and stainless sceptre of humanity.

Gentlemen, it is sometimes thought that the days of chivalry are gone and pathetic dirges have been sung in stately prose and rather indifferent verse over its grave ; but there is no occasion for such lamentations. Chivalry is not dead. Its days are not gone ; they cannot be gone so long as womanhood, represented by ladies of the highest culture and station, continues to fulfil its divinely ordained mission, diffusing light and gladness in a world where there is so much of darkness and so much of sorrow and of misery.

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## ELEMENTARY EDUCATION BILL.

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*[The following speech was delivered as President, at a public meeting held in the Calcutta Town Hall, in support of the Elementary Education Bill on 2nd September, 1911 :—]*

We have met here to-day to consider the Elementary Education Bill, which was introduced by Mr. Gokhale in the Viceregal Council in March last. I am sure that I am not using the language of exaggeration, when I say that Mr. Gokhale's Bill involves a question of the gravest national importance; and I am glad to find that public opinion has spoken on it with no uncertain voice. At the present day elementary education is compulsory throughout the civilised world, and shall we, who boast of an ancient civilization, alone lag behind? But some people seem to think that though we should educate the masses, there ought to be no compulsion. Now persuasion is, no doubt, better than coercion, but experience shows that without compulsion, education cannot be generally diffused among the people. Mr. Gokhale's Bill, however, as he himself said in his speech, in Council, is a very modest and cautious measure and as you will presently hear from his own lips with that lucidity which always distinguishes his speeches an explanation of the leading features of the Bill, I will not detain you for more than a few minutes. I will only remind you that the Bill is of a permissive character

and that under it the initiative must be taken by the representatives of the people. Compulsion and persuasion thus, as the *Amrita Bazaar Patrika* has said very happily, become interchangeable terms. It has been, however, said that the local bodies in this country are more or less under official control. But though this may be true of District Boards, it is not generally true of Municipalities, and I may add that before the District Board can be in a position to enforce compulsory education there is every reason to believe that according to the recommendations of the decentralisation committee, a majority of the seats will be filled by elected members, I must also remind you that the provisions of the Bill will, in the first instance, apply only to boys and not to girls. Mr. Gokhale's Bill, therefore, I repeat, is essentially a very modest and cautious measure and the only provision which has given rise to some controversy is the obligation of the local bodies to contribute a portion of the expenditure. Now, I do not think that it would be reasonable to expect the Central Government to find all the money for the benefit primarily of the inhabitants of a particular place, and as Mr. Gokhale has shown in his speech in every country where there is a compulsory system of education, the local bodies contribute a part of the expenditure. If, therefore, we are really sincere in our desire for the diffusion of primary education, we must not object to the levy of a local rate for the purpose; and I must warn you that if you insist upon the whole of the money being found by the Government, you will have to wait for an indefinite time.



The absence of anything, said Lord Crewe only the other day, like a complete system of primary education in India, is, perhaps, the greatest reproach which exists against the British system of government in India. That reproach, I hope and trust, is now about to be wiped out; but it cannot be done without the cordial co-operation of the people, which I may affirm not diffidently but confidently will not be wanting; for are there not clear indications of a new and vigorous life in us which has only to be directed in the right channel to make a new India? True patriotism, we have learnt, demands sacrifices, and we should all be prepared to make them in a cause which must appeal to every one who loves his country. Disenchantment and disillusion are the portion of old age, but I have not lost faith in the generosity of my countrymen towards the toiling masses, nor in that divine gift of pity for their suffering fellowmen with which so many of them are inspired.

Gentlemen, I said just now that public opinion supports Mr. Gokhale's Bill. But I see that in the immediate neighbourhood of Calcutta a note of dissent has been sounded. The Cossipore Municipality thinks it dreadful that a Brahmin boy should sit on the same bench with a low caste child. I can only say that the members of this Municipality were born in an age too late. But what am I to say of the Syndicate of the reformed Calcutta University? They or it, the singular number perhaps would be more appropriate, are sympathetic on principle with schemes for the extension of education, but have great doubts as to the desirability of compulsion in matters of instruction, specially with re-

gard to girls and of the imposition of new taxes. They also fear that if Mr. Gokhale's Bill is passed it may divert the application of funds urgently required to meet the present needs and the legitimate expansion of University and secondary education. This, gentlemen, is, as Sydney Smith says, the invariable attitude of those who dislike a measure but are afraid or ashamed to say so openly. The reformed Calcutta University has, as we all know, banished Burke. Has it also deported the father of English political economy to keep Burke company? I ask this question because Adam Smith, as everybody who has not the honour of a seat in the reformed Syndicate knows, is distinctly of opinion that though the State ought not to meddle with the education of the rich, the education of the poor is a matter which deeply concerns the Commonwealth. The Assam teaplanters and some land-owners who neither toil nor spin are also I see greatly exercised in their minds over this measure. The planters fear that it would affect the supply of coolies to their gardens—gardens of Eden, the Indian labourers' paradise; while the land-owners are, I presume, afraid of being starved, if they are compelled to pay an education rate. They have also threatened us that they would no longer be able to subscribe lavishly towards memorials not always, I may add, of the most memorable.

Gentlemen, I have done. But before I resume my seat, I must say that few things have made a deeper impression on my mind than the saying of Victor Hugo:—He who opens a school shuts up a prison. A still more distinguished Frenchman said when he was about to be hurried off to the guillotine:—

Even at this incomprehensible moment on the fatal tumbril itself, with nothing free but my voice, I would still cry, take care of a child though in rags that should come too near to the wheel. Perhaps, I may save his life, perhaps he may one day save his country.

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## THE HINDU UNIVERSITY.

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*[Speech delivered as President, at a Public Meeting held in the Calcutta Town Hall, to consider the question of establishing a Hindu University on 6th September, 1911 :—]*

It is very happy augury that the country has been deeply stirred by questions relating to national education. Only on Saturday last, there was a large representative gathering in this hall when the question of compulsory primary education was debated. We meet here again to-day to discuss the question of higher education. This is a many-sided problem and is, by no means, easy of solution. One thing, however, is clear. Nobody now would seriously think of reviving purely Oriental studies to the exclusion of Western science and Western literature. That controversy was closed by Lord Macaulay's famous minute in 1835 and he must be a bold man who should seek to revive it at the present day. As observed by Sir Gooroodas Banerjee, in whom Western learning has been happily wedded to the culture of the East, our endeavour should now be to graft on the best Oriental ideals of life and thought, the best ideals of the West; and this, in a word, is the aim of the proposed Hindu University. It will not be the rival, or if a rival only a friendly rival of the existing Universities, which, though fettered in many ways, have done their work nobly. But they are State institutions, and though all education must, in a

large measure, involve moral discipline, it can never be efficient, unless it is conducted in a religious spirit in its true sense. It must rest on truth, on morality and on reverence. Above all, it must have its roots deep down in national sentiments and national traditions.

It is said by some of the critics of the present system of education that a spirit of irreverence has grown up among our young men and that a godless education has been followed by the dissolution of old beliefs, of old bonds and old associations without anything to fill their place and without any serious attempt to reform or recast them. Education, they say, on occidental lines has been an utter failure. The new wine of the West, in their opinion, ought never to have been mixed with the mild October of the East. Such criticisms only amuse those who know what English education has done for the country. Lord Macaulay, however, I must admit, made one serious mistake. The author of the *Essay on Bacon*, in condemning not only all philosophy but also all religious embodiments of philosophy, forgot that physical science alone cannot explain or enforce human duty. He forgot that physical science alone cannot widen our sympathies or enlarge our moral vision; and it is scarcely necessary to add that Macaulay knew nothing of the genius of ancient India or the fascination of that philosophy which has held in thrall some of the finest intellects in our day.

We are the heirs of an ancient civilization and the true office of education ought to be the encouragement of a gradual and spontaneous growth of the ideals which have given a definite mould to our culture and our institutions. In other words, education, in order to be



of any value, must be a process of evolution and not revolution. In our curriculum, therefore, Hindu ethics and metaphysics will occupy a foremost place, the Western system being used only for purposes of contrast and illustration. Special attention will also be paid to a knowledge of the country, its literature, its arts, its philosophy and its history. For a nation that does not take a just pride in its own annals must be wanting in self-respect. Man, however, cannot live by the past alone, and we have, therefore, taken for our model, the modern, as distinguished from the older Universities of the West. But our great aim is to mould the national character on Hindu traditions and Hindu ideals, to turn out loyal citizens capable of leading their countrymen to greater achievements in science, in arts, and, above all, in social well-being. For this purpose, it will be necessary to instruct our students in the ethics of Hinduism at its best, in its purity, not in its decay or degradation—to instruct them in that Hinduisim under which some of the loftiest and purest spirits have found shelter, which furnished moral guidance to millions for centuries and has taught them lessons of humanity and reverence which are still the proud heritage of the race to which we belong.

The constitution of the theological faculty may possibly give rise to some controversy. But in the Hinduism of which I speak there are many mansions where we can all, Sikh, Jain and Arya Samajist, abide in amity. The Hindu University will, however, be open to students of every creed and of every class and attendance at religious lectures will not be compulsory

in the case of students who are not of our faith, or even in the case of Hindus whose guardians have conscientious objections to such attendance.

I repeat, because some misconception on the question seems to be abroad, that the Hindu University will not be established with the object of recalling vanished institutions, for the past never returns; but merely with the object of promoting scientific, technical and artistic education in combination with religious instruction and classical culture. We are equally convinced that the religious training which is to shape our moral and social ideals must rest on a sound and rational education.

Some gentlemen, for whose opinion I have the highest respect, fear that a denominational University is likely to widen the cleavage between the Hindu and the Mahomedan. But what does the example of Mr. Syed Hassan Imam show or the example of our other Mahomedan friends, all men of light and leading, who have subscribed liberally to the funds of the proposed Hindu University? Are they not eloquent living instances of the unity of India? It is true denominational education has its drawbacks, but we must remember this is not a perfect world. Of one thing, however, I am certain. The spirit of religious intolerance will stand rebuked before true culture. A man of real education must be a man of broad sympathies. A narrow mind and a narrow heart, depend upon it, are the notes of ignorance and of provincialism. The endowment of denominational Universities for higher training ought not, therefore, to be a hindrance, and I am sure it will not be a hindrance to the growth of

friendly feelings between the Hindu and the Mahomedan ; for, in the memorable words of Mr. Ali Imam, are we not all Indians first and Hindus or Mahomedans afterwards ?

There is ample justification, I submit, for the foundation of the proposed University modelled on a new type and unhampered by the limitations of the existing Universities. We should also remember that India with a population of three hundred millions has at present only five Universities. In the United Kingdom with a population of only 41 millions there are 18 Universities. In France with a population of 39 millions there are 15 Universities, while Italy has got 21 Universities. Is there anybody in this hall who will stand up and say that there is no room for more Universities in this country ? Again is there anybody in this hall who will stand up and say that the present Universities cover the whole ground of education ?

I now come to the last, but by no means the least, important question—the question of ways and means. On this point, Pandit Madan Mohan Malaviya is going to address you. He has no doubt whatever that we shall easily be able to raise all the money we want for the purpose. And the tidal wave of enthusiasm which has followed my friend's tour in different parts of the country fully justifies the faith that is in him.

We all know that many of our great land-owners are keen on perpetuating their names by tying up their estates. To them I would say—endow a college or a University, and you will found a new family which will be in no danger of dying out, or if it ever does die out will

die only with the death of all culture and civilization. Depend upon it, there is no easier method of gaining immortality than the endowment of education, and as Sir Henry Maine said in his Convocation Address, years ago, in this very hall—the words are still ringing in my ears.

The names of hundreds of men are heard daily from the lips of the educated youths of England which would have perished centuries ago if they had not been linked to the Universities.

But such an appeal ought to be superfluous to those whose religion teaches them to do good without hope or expectation of reward either in this world or in the next. I, therefore, boldly invite you to contribute to our funds, not because it is the way to win temporal honours or even immortality; but simply because it is your duty to do so. We must make up our minds for a long pull, a strong pull and a pull altogether, and if we are only true to ourselves, I am confident that the Hindu University will soon take its place by the side of the sister institution which our Mahomedan friends are going to establish at Aligarh. Seated in the holy city of Benares round which a thousand associations are clustered, it will attract students from all parts of the country and will serve to recall to our minds the academic groves and the vanished glories of Taxilla and Nalanda.

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## THE ROYAL VISIT.

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*[Dr. Rash Behari Ghose delivered the following speech as President, at a public meeting held in March, 1912, in the Calcutta Town Hall, after the Royal Visit:—]*

We have met to-day in this historic hall as citizens of the premier city in India to discharge a very agreeable duty. We have met here to convey to the English nation the assurance of our warm attachment to the world-wide empire to which we have the privilege to belong. We have met here also to give expression to our profound sense of the far-reaching results of the Royal Visit which has set in motion a great wave of loyalty now flowing with a tidal sweep over the whole country. The crown, gentlemen, is no longer a mere abstraction to us but a living reality. The visit of Their Imperial Majesties has, as we all know, stirred the country to its depths; and no wonder, for with us the divinity that doth hedge a King is not a worn out fiction but a deep and abiding conviction. He is truly the anointed of the Lord. Our attachment to the person and throne of the King-Emperor is not, I repeat, a mere pale sentiment but a burning devotion to the sovereign, of both prince and peasant, not less fervid than the loyalty which surrounded the throne of the Stuarts. And there never was a king more worthy of our whole-hearted devotion. For His Imperial Majesty has shown that he loves India with an exceeding and unutterable love. He has shown that he possesses that priceless gift, the crown of all gifts,



the power of throwing himself into the minds of others and of drawing all hearts towards him; and in Bengal, it is no exaggeration to say, that he has turned the winter of our discontent as with the magician's wand into glorious summer.

Gentlemen, the memory of even the most brilliant function may fade in time, but not, I can safely assert, the memory of the King's loving kindness or of the message of sympathy which he sent out to us from England six years ago. He has now given us the watch-word of Hope.

The King-Emperor said :—

On every side I trace the signs and stirrings of new life. Education has given you hope, and through better and higher education you will build up higher and better hope.

In bidding us hope, the King-Emperor has shown the keen insight of a true statesman. We see changes all around us due to the action of social, political and economic forces which are only dimly understood; but if true statesmanship consists in moulding institutions in accordance with the Time Spirit, the King-Emperor and his responsible advisers have undoubtedly shown statesmanship of the very highest order.

In bidding us farewell, Their Imperial Majesties expressed a fervent prayer that all their subjects in Bengal of whatever race and creed, united by the ties of sympathy and brotherly love, may under Divine guidance ever strive towards the advancement of their common happiness, contentment and general well-being. This is a prayer in which we should all most fervently join. Let us then pray that the Imperial Visit may prove a union

of hearts and a bond of fellowship not only between ourselves and our fellow citizens of England, but also between the various communities in this country. Let us pray that it may be the herald of a new era of harmony and co-operation, of peace and of progress. Let us march with a steadfast tread along the path which our King-Emperor has pointed out to us. Let Hope be our rallying point. Let Hope be our watchword. Believe in hope even against hope, believe in the good-will of the people of Great Britain and Ireland towards India, for the voice of our Sovereign is their voice, and if our ideals are not realised in a day, do not fret, do not be impatient; for, in the words of the Hebrew prophet: "Brightness and beautifulnes shall appear at the end, and shall not lie: if it make delay, wait for it; for it shall surely come and shall not be slack."

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## SISTER NIVEDITA.

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*[Speech delivered as President at a Memorial Meeting held in the Calcutta Town Hall on 23rd March, 1912:—]*

We meet to-day in sorrow, for we meet to mourn the loss of a brilliantly gifted lady, a daughter of the West, who lived and died for us. Sister Nivedita was, indeed, a queen among women, who wore by right divine the spotless myrtle crown of womanhood. What a lesson of noble purposes, of patience, of courage, of sacrifice and of endurance is furnished by her life? Sister Nivedita taught us, in the words of Gladstone, that life is a great and noble calling, an elevated and lofty destiny. She taught us that we are not born for ourselves, but for our neighbours, for our own kind, for humanity in the sum. To live for others was the guiding principle of her life. And for whom did she work, for whom did she forsake home, relations and friends? Not for herself or her country but for us, for the people of India. Sister Nivedita showed her love for us, passing the love of woman, in everything she did. She showed it in tending the plague-stricken. She showed it in feeding the famished. She showed it in training our girls according to the best type of womanhood and in inspiring our youth with higher ideals.

If our sister fell under the spell of India, we in our turn, it is no exaggeration to say, fell under her spell and her bewitching personality attracted to her thousands.

of our young men who drew their inspiration from the precepts and example of one whom they revered as a saint. And if the rising generation are now animated by a burning passion for a new, a higher, a truer and a nobler life, the credit is in no small measure due to the lady who has been so prematurely called away from us. An India united in civic purposes, proud of its past achievements, proud of its contribution to the civilization of mankind, and destined to render still higher service to humanity, was the ideal for which she worked. And who can say she worked in vain? Who can say she has not made the steps easier for those who will follow her?

It has been said that Sister Nivedita exercised an unwholesome influence on the rising generation on political questions. Now it may be that a few raw lads, too impetuous to be sober, went astray. I cannot speak with confidence on the point. Of one thing, however, I can speak with confidence. If we are conscious of a budding national life at the present day, it is to a great extent due to the teachings of Sister Nivedita.

It has also been said that she was in some respect a reactionary. Whatever truth there may be in this charge which even some friendly critics have brought against her, do not forget that she taught one great lesson. Sister Nivedita taught us that our true salvation lies not in asceticism but in the cultivation of the civic virtues. She was an idealist, it is true, but not an idle visionary. The scavenger, she said, with the civic ideal of cleanliness is a better citizen than a Brahmin, if the twice-born man serves only himself.

It is proposed to perpetuate the memory of Sister Nivedita by a suitable memorial. It is right and proper to do so. But for such worthy servants of humanity, no such memorial is really necessary to keep their memory green. The name of Sister Nivedita, I am certain, will be engraved in the hearts of those for whom she consecrated her life. It will be engraved in the hearts of those young men who have been benefited by her example and precept. It will be engraved in the hearts of those who have been inspired by her with a deep sense of social duty. It will be engraved in the hearts of all who can appreciate nobility of purpose, courage and self-denial.

Death has struck our sister down before her mission could be accomplished. That, we all know, is the common fate of all ministers of good things, who, as Hooker says, are like torches, a light to others, waste and destruction to themselves. But depend upon it, her work will not perish, nor will the cause she had at heart die with her death. Though, therefore, we meet in sorrow we do not sorrow as those who have no hope, for our sister has joined

The choir invisible,  
Of those immortal dead who live again,  
In minds made better by their presence.

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## APPEAL FOR PERSIA.

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[ *Speech delivered as President at a Public Meeting held in Calcutta on the 28th March, 1912 :—* ]

We have met here to-day to appeal to His Imperial Majesty's Government to use their influence in maintaining the constitutional government which has been established in Persia. As loyal British subjects, it is at once our privilege and our duty to make this appeal. In the opinion, however, of an anonymous writer in the "*Fortnightly Review*," in expecting England to intervene in an affair, which does not primarily concern her, we are guilty of veiled treason to the British Empire. When I read this effusion I could not help asking myself 'stands England where she did?' When did England cease to be the hope of freedom, the curb of the tyrant? When did her glorious flag cease to be a signal of rallying to the combatant and of shelter to the fallen? When did her noble sons cease to do all that lay in their power to extend to others less favoured the benefit of those free institutions which they have enjoyed for generations and which have made them the envy of the whole world?

Gentlemen, I need not tell you that England still stands where she did. She is still the hope of freedom and the dread of tyrants. She is still the friend of all who are afflicted and heavy laden. It is not, therefore, we who are guilty of treason in asking England to use her influence in securing a constitutional government for

Persia. It is the anonymous writer who is guilty of treason; not veiled but open, of treason to his own country, of treason to those glorious traditions which have made his name of England so dear to all who are oppressed and down trodden, to all who cherish high aspirations and are fighting in the cause of order and of good government. It is impossible, said Mr. Gladstone, on a famous occasion, that the affairs of foreign nations can ever be indifferent to a country like England. It is impossible, he added, that England should forswear the interest she must naturally feel in the struggles of a people for justice and for freedom.

Gentlemen, I would like to speak with all possible reserve. But there are occasions on which it would be nothing less than a crime against humanity to maintain silence and this is one of them. Russia, as you are aware, is solemnly pledged to respect the integrity and independence of Persia and we hope she will keep her plighted word. But we cannot forget that it was a Tear of all the Russias who said to Talleyrand :—

You are always talking to me of principles, as if your public law were anything to me ; I do not know what it means. What do you suppose that all your parchments and your treaties signify to me ?

We cannot also forget that, by a most sinister application of Darwin's doctrine, 'might is right' has been with some powers the guiding principle in their international relations. But whether Russia means to keep her promise or not, we have no doubt that so long as, in the words of His Excellency Lord Hardinge, to whom we cannot be too grateful, England is a signatory to the agreement, she will be able to exercise a moral influence on her

co-signatory, even where she could not use material pressure. We are equally certain that so long as his Lordship is at the helm of the administration in India, that moral influence will never cease to be exerted and exerted with success. Diplomacy, we all know, hath by her victories no less renowned than war, and with such a protagonist in the arena we need not fear defeat.

Gentlemen, I need not remind you that the present situation in Persia is very grave. Indeed, it contains all the elements of a tragedy and one of the saddest tragedies in history. At the very moment she was "mewing her mighty youth and kindling her undazzled eyes at the full midday beam," she finds herself engaged in a deadly struggle for her very existence. Who can withhold his heartfelt sympathy from her in the dark days through which she is now passing? Who will not fervently pray that success may ultimately crown her efforts? Who will not fervently pray that, renovated and regenerated, she will again bewitch the world with her arts and her literature, that literature so full of spiritual inspiration, so full of wisdom, so full of sparkling wit and lyrical grace, which has been the solace and delight of generations of cultured men, not only among Mahomedans but also among Hindus and Christians.

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## MR. A. O. HUME.

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[*Speech delivered as President, at a Memorial Meeting held in the Town Hall, Calcutta, on 28th August, 1912:—*]

We are gathered together this afternoon to express our common grief at the death of Allan Hume, of whom it may be truly said that he lived for India and her people. The son of Joseph Hume, he inherited not only the blood but also the high public spirit, the transparent integrity and the resolute courage of his father. We all know the part that Hume played in the dark days of the Mutiny when, as Kaye says, he bore noble witness to the courage and constancy of the national character. The young man not only showed the courage of his race, but also the clear insight of the statesman and the sure judgment of a great mind when in a short time he succeeded in evolving order out of chaos. "No district in the North-Western Provinces has," the Magistrate of Etawah was able to say, "been more completely restored to order; none in which so few severe punishments have been inflicted. Mercy and forbearance have, I think, I may justly say, characterised my administration..... We had before us a great and glorious problem to solve, viz., how to restore peace and order and the authority of Government with the least possible amount of human sufferings." The captured sepoyes and villagers, we learn from Sir George Trevelyan, when they were sentenced

to be hanged—as they were by hundreds—used to pray that they might fall into the merciful hands of Hume.

Our friend was indeed a Knight without reproach, the Happy Warrior,

Who comprehends his trust, and to the same  
Keeps faithful with a singleness of aim.

Yes, Allan Hume fully comprehended his trust not only when he tempered justice with mercy, but also in later years when he abandoned for our sake all those pursuits which made the pleasure of his life and devoted not only his time but also his fortune to the cause of our country. In founding the Indian National Congress, he showed the highest form of courage, which too he drew from his father—the courage to fight in a cause which seemed at the time to be forlorn, and to timid minds even fraught with peril. It is unnecessary in this assembly to dwell on the passionate enthusiasm with which he threw himself into the work or the fertility of resource and powers of organisation which he brought to it. It is equally unnecessary to dwell on his other titles to our love, gratitude and esteem; for, as the great Athenian Chief said in a famous oration, "No need for prolix panegyrics amongst men who know it all so well."

Hume was a far-sighted statesman whose sole aim was to draw closer the ties which bind India to England. He saw with the unclouded vision of a born seer that the old order must yield place to new and that the whole administration must be reformed and recast. He saw that if the British Government is to be broad-based on the people's will, the rulers and the ruled must work together; and this is the reason why he insisted that the



administration must be largely leavened by a representative Indian element. We are absolutely incompetent, said Hume, without the co-operation of the people to mould our administration in accordance with the real requirements of the country and this was one of the *raisons d'être* of the Congress movement.

It is seldom given to the leaders of a great movement to enter the promised land. But the evening of Mr. Hume's days must have been cheered by the reflection that his labours have not been altogether barren, and that even the sun-baked bureaucrat who learns nothing and forgets nothing has been driven to recognise the Indian National Congress as a perfectly legitimate institution. In the words of Lord Morley, Mr. Hume will occupy a historic place in the evolution of Indian policy. Though at one time reviled and persecuted by a section of his own countrymen, I am confident that when the voice of blind passion and vulgar strife is hushed, the name of Allan Hume will find a conspicuous place in the roll of those good servants of England who are imperial in the true sense of the term; for the true imperialist is not the man who shouts the loudest about the imperial destiny of England, but the man who is conscious of the great trust which has been laid on England, and which a great and righteous nation alone can discharge.

We all remember that Hume was for years regarded by some worthy people as a firebrand. What! Hume a firebrand! Gentlemen, he was not a firebrand, but a fire-bearer, who, however, happily escaped the fate of all fire-bearers as even the minds of the Olympian

gods are enlarged with the progress of time. They are certainly now more merciful to man.

Throughout his life, Hume showed the inherent manliness of the British race, its high sense of duty, its love of fair-play, its generous sympathy with the legitimate aspirations of the people of every country under the sun. Like all men who are truly great, he was also inspired by a lofty sense of social duty and the hard lot of our toiling millions who really constitute the nation was never absent from his mind.

Do you, he said, in an impassioned appeal to his countrymen, at all realise the dull misery of these countless myriads? From their births to their deaths, how many rays of sunshine think you chequer their gloom-shrouded paths? Toil, toil, toil; hunger, hunger, hunger; sickness, suffering, sorrow; these alas! alas! are the keynotes of their short and sad existences.

It only remains for me to say that Hume's work has not yet come to an end, for though dead, he yet speaks to us. And what is it he says to us; "I bid you to hope," the last words of Goethe's hymn which Carlyle used to call the marching music of the Teutonic nations, "Be," he says, "of good cheer."

Never grow faint or weary in the up-hill fight: stick to constitutional methods; be united; brother-soldiers in one holy army, put far from you alike all selfish aims, all personal differences, be vigilant, wise and temperate alike in worth and in desert, be sure that a Power greater than all Kings or Viceroyes, or Parliaments will lead you in the fulness of time, to all that you can rightly and wisely desire, and to all that you have tutored yourselves to merit. Let all strive unselfishly to pave the way for India's enfranchisement, and the happiness and growth, physical, mental and moral of her teeming children.

Our friend has gone to his rest, full of years. He has waned away from sight like the moon, as the Greeks used to say of the dead. But we can truly say of him, O Grave ! where is thy victory ? In the words of the afflicted father in Samson Agonistes,

Nothing is here for tears, nothing to wail ;  
Or knock the breast ; no weakness, no contempt ;  
Dispraise or blame ; nothing but well and fair ;  
And what may quiet us in a death so noble.

Hume's tomb is the whole of India and his most lasting memorial will be found not in marble or bronze but in the hearts of those for whom he lived and died.

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## SEPARATION OF JUDICIAL AND EXECUTIVE FUNCTIONS.

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*[Speech delivered as President at a Public Meeting in  
the Town Hall, Calcutta, held on 18th April, 1913:—]*

Gentlemen, I am glad to say we have assembled here to-day not to discuss any controversial question or to ask for any political concession but only to ask the Government to redeem the solemn pledge given to the country more than five years ago to separate judicial from executive functions. On the 28th of March, 1908, Sir Harvey-Adamson said from his place in the Viceregal Legislative Council:—

The inevitable result of the present system is that criminal trials affecting the general peace of the district are not always conducted in that atmosphere of cool impartiality which should pervade a Court of Justice. Nor does this completely define the evil, which lies not so much in what is done, as in what may be suspected to be done, for it is not enough that the administration of justice should be pure; it can never be the bedrock of our rule, unless it is also above suspicion.

He also pointed out in a closely reasoned speech that the separation of judicial from executive functions would not, in any way, weaken the power or the prestige of the District Magistrate. The Home Member was also, I may mention in passing, not afraid of openly expressing his sympathy with the much-reviled Indian lawyer, who, he said, devotes his energies towards making the administration of justice as good both theoretically

and practically in this country as the administration of justice in England. The combination of judicial and executive functions, added Sir Harvey-Adamson, does not enhance the prestige of the executive; on the contrary, it tends to weaken it, and he ended by saying that the Government had decided to make a tentative and cautious advance towards introducing the experiment in places where the conditions of the country were favourable.

Sir Harvey-Adamson, I need not remind you, was not the first man who condemned the system. The preamble to Regulation II of 1793 shows that the combination of the two functions was even then considered undesirable; and whenever attention was drawn to it in the course of administrative enquiries, it was denounced in unequivocal terms. Sir Frederick Halliday, Sir John Peter Grant, Sir Bartle Frere, Sir Cecil Beadon, Sir Barnes Peacock, all joined in condemning the system. Lord Kimberley, Secretary of State for India, a Liberal, and Lord Cross, Secretary of State for India, a Conservative, were also of the same opinion. Again in 1899 a memorial was presented to the Secretary of State for India urging the separation of the two functions signed by such eminent men as Lord Hobhouse, Sir Richard Couch, Sir Richard Garth, Sir John Phear, Sir William Markby, and many others equally distinguished.

Some members of the Indian Civil Service, however, still seem to think that the separation of the two functions would lead to disastrous consequences. In their opinion, whatever is, is right in the best of all possible administrations, though India to them is only a land of



regrets tempered by rupees. The evidence of these gentlemen before the Public Service Commission, which has created such a flutter in high places, recalls to my mind one of Lucian's dialogues in which that irreverent scoffer describes the dismay in the Pantheon when the Olympian gods saw that men were gradually ceasing to believe in their omnipotence and feared that if not believed in, they might cease to exist. I can, however, assure these nervous gentlemen that neither law nor order would be imperilled, if this blot on the administration of justice is wiped out. Neither trade nor commerce would leave the country, nor young Englishmen cease to compete for the Indian Civil Service, if the two functions are separated. These gentlemen, I see, talk of prestige, but do they know the true meaning of the word so frequently on their lips? It literally means, as I said on the Budget debate in 1907, an enchantment or illusion, and is a word of evil parentage.

It is said that an augur and a senator, in the time of Cæsar, lamented the declining state of the republic. "The times, indeed, are very bad," said the senator, "we have reason to tremble for the liberty of Rome." "Ah!" said the augur, "that is not the greatest evil; the people now begin to lose the respect which they formerly had for our order, we seem barely to be tolerated; we cease to be necessary. Some generals have the assurance to give battle without consulting us; and, to complete our misfortunes, those who sell us the sacred pullets begin to reason." "Well, and why don't you reason likewise?" replied the senator, "and since the dealers in pullets in the time of Cæsar are more knowing than they were in

the time of Numa, should not you modern augurs be better philosophers than those who lived in former ages?"

Gentlemen, we have been hearing a good deal lately of the necessity for maintaining the English character of the administration, but this does not mean, as some of the witnesses before the Public Service Commission seem to think, the employment of Englishmen exclusively in all the higher offices. It means this and this only. The administration must be based on English principles; and I would ask these gentlemen to read in their moments of leisure if they happen to have any, for we all know that they are overburdened with work, a notable speech made by Lord Shaw only the other day. Liberty and order, said his Lordship, are complementary functions of English social life, kept together and unified by that justice which proceeds from the judicial realm. Order is to be conserved by the Magistrate and liberty by Judges who would not bow either to royal favour or to popular clamour or even to the executive Government. The executive Government in England, I may also remind these gentlemen who talk so glibly of the British tone of administration, do not override the decisions of the High Court. They dare not do it. Nor, if they ever ventured to do anything of the kind, would they think of declining to publish the official papers.\*

Gentlemen, in the course of the debate which recently took place on the motion of Babu Surendranath Banerjee, Sir Reginald Craddock complained that no definite scheme

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\* The Government in this country have declined to publish such official papers on more than one occasion.

had been laid before him. My answer is, it is not the business of the non-official members to frame detailed schemes of administrative reform. That is clearly the duty of the executive Government and is not, I imagine, a task above their collective wisdom. Sir Reginald Craddock, I also find, referred to the correspondence which had taken place between the Secretary of State and the Government of India, and when he was asked whether it had reference to details or to principles said that it concerned both, the details being mixed up with the principles, and he declined to produce the correspondence. I sincerely trust that the reticence of the present Home Member does not indicate any desire to depart from a policy definitely announced and a pledge solemnly made in 1908. Sir Harvey-Adamson clearly laid down the principle which should regulate the inauguration of the experiment. He said : "The general principle outlined is that the trial of offences and the control of the Magistrates who try them should never devolve on officers who have any connection with the Police or the Executive."

It is sometimes said by the opponents of this scheme that the separation of this judicial and executive functions will involve enormous cost to the State. It has, however, been shown by Mr. Romesh Chandra Dutt and recently by Mr. Provash Chunder Mitter that there would be no material addition to the cost of administration and that even if it did involve any additional expenditure, it could be easily met by savings or economies in other directions.

In his memorable speech at the Calcutta St. Andrew's Dinner, in which he sneered at the educated classes as a

microscopic minority, Lord Dufferin, a distinguished diplomatist, said with reference to the separation of judicial and executive functions that it was a counsel of perfection to which he was ready to subscribe. But he added:—

And here also we have a question of money. The evils complained of are not of recent date; they existed long before my time, and had they been as intolerable as is now stated they would have been remedied while the existence of surplus funds rendered this practicable; but, as this was not done, it is fair to argue that even admitting there is room for improvement, we can afford to consult times and seasons in carrying these improvements into effect.

I wonder if that time and that season will ever come. There is a season it seems for everything. There is a season for Seditious Meetings Acts, there is a season for Press Acts, there is also a season for Conspiracy Acts.

But is there no season, we ask with hearts sick with that sickness in which the iron sometimes enters into the soul, is there, we ask, no season for the redemption of a solemn pledge?

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## MR. GOKHALE.

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*[Speech delivered as President, at a Memorial Meeting, held in the Calcutta Town Hall, on the 2nd of March, 1915 :—]*

Ladies and Gentlemen:—We meet here to-day to mourn the loss of Gopal Krishna Gokhale, one of the noblest sons of India. A great figure which for years filled our minds and speech has passed away cut off in the fulness of his powers. But if it is true as undoubtedly it is true that we live in deeds and not in years, he cannot be said to have died prematurely who, even before he reached manhood, worked as an active member of the Deccan Education Society which has left a lasting monument of its philanthropic labours in the Fergusson College at Poona. He cannot be said to have died prematurely who ever since he first took his seat in the Imperial Legislative Council in 1902 raised the whole level of its proceedings to a higher plane, bringing to its debates a rare mastery of economics and finance and a marvellous skill in dealing with the most complicated figures which moved the admiration even of his opponents. He cannot be said to have died prematurely who took a not inconsiderable though an unobtrusive part in shaping Lord Morley's Reform scheme. He cannot be said to have died prematurely who brought about a peaceful settlement of the South African question which, at one time, threatened serious complications. Above all, he cannot be said to have died prematurely who, as one



of the leaders of the National Congress and the founder of the Servants of India Society, was able to exercise in critical situations a wholesome and sobering influence on the rising generation. Yet it is a cruel thought that such a man should be cut off at so early an age, and when we remember that he did not live to complete his labours on the Public Service Commission from which we expected so much, our minds are overwhelmed with sorrow, but sorrow chastened by resignation. "Man fades away suddenly like the grass. In the morning it is green and groweth up; but in the evening it is cut down, dried up, and withered" and sometimes even before the evening comes. But though dead, the roll of Gokhale's service is not closed; for his name and example will, I am certain, continue to inspire generations of Indians.

Hindus and Mahomedans, Sikhs and Parsis, are all mourning the irreparable loss which the country has sustained, and I am not using a mere figure of speech when I say that the death of a Mahratta Brahmin belonging to the middle class has literally plunged a whole nation into mourning; yes, a whole nation, for India is no longer a mere geographical expression, whatever the sun-baked administrator may think. Now, if you want to know the secret of this universal sorrow, I may state it in a few words. An ardent admirer of Gladstone, Gopal Krishna Gokhale carried out in practice that great man's precept.

Be inspired with the belief that life is a great and noble calling, not a mean and grovelling thing that we are to shuffle through as we can.

The eminent patriot whose loss we are mourning to-day undoubtedly possessed various qualities that distin-

guished him from many of his fellow-countrymen. His long and unstinted devotion to the interests of the country, his quickness of perception of what is possible in the field of politics, his tact and judgment no less than his profound insight in critical times were qualities that easily marked him out as a leader. But these things, I venture to think, cannot entirely explain the great influence he exercised upon his countrymen. They do not contain the whole secret of the hold which he had on their admiration and affection. That secret is to be found in the high moral purpose with which he was inspired ; for Gopal Krishna Gokhale was truly a *Rishi*—a name debased by every charlatan, in whom spiritual fervour was combined with the energy of a man of action. Whether he was right or wrong in all his varied activities in the sphere of politics and in the direction of social reform may possibly be open to controversy. But there is one thing which is beyond all controversy ; one thing is certain. In all the national movements into which he threw himself with his whole heart and in everything that he did or said from first to last he was constantly guided by a high moral ideal. Gokhale was not only a political but a spiritual force, of whom it may be truly said :—

Statesman, yet friend to truth ! of soul sincere,  
In action faithful and in honour clear,  
Who broke no promise, served no private end,  
Who gained no little, and who lost no friend.

I will not detain you much longer. For, as the Athenian orator said when one is speaking to those who know, there is no occasion for a long speech. And I am speaking to those who know the spirit of self-sacrifice

which animated Gokhale throughout his life from the days when he served as a Professor in the Fergusson College for 20 long years not for money but for love. I am speaking to those who know the high sense of duty which impelled him to scorn delights and live laborious days but not for riches or honours, place or power, or even for such fame as "grows on mortal soil." I am speaking to those who know that a more amiable or more unselfish man never lived. I am speaking to those who know that he died like a soldier at his post, trying even in his last moments to do useful work.

An ideal leader, he never gave to his own Province what was meant for the whole country and we in Bengal, in particular, should cherish his memory with affection and reverence. For he was a strenuous fighter and we shall always remember with deep gratitude the bold stand made by him against the Partition of our Province. Nor shall we ever forget his touching farewell to us at the last meeting of the Imperial Council in Calcutta.

This is not the place to dwell on the private grief of his friends, the agony of personal bereavement at the loss of one whom we loved so well and with whom we have striven and worked for years. I will only say in the words of the poet,

His memory long will live alone  
In all our hearts, as mournful light  
That broods above the fallen sun  
And dwells in heaven half the night.

## ADDRESS TO THE KAYASTHA CONFERENCE.

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*[The following is the full text of the Presidential Address delivered to the Kayastha Conference, held at Allahabad on the 24th December, 1916.]*

Brother-delegates and gentlemen:—I do not use a mere conventional phrase when I say that I am deeply grateful to you for inviting me to take the chair at this annual gathering of the great community to which we all belong. I can assure you that I received your invitation with feelings of very great gratification and if I hesitated a little before accepting it, it was only because I felt that I had done very little to deserve the honour.

We all know that many thoughtful people regard caste distinctions as an obstacle to our social progress and believe that conferences like ours are harmful as they are likely to stereotype caste in Hindu Society. But, to my mind, these caste conferences are not without their usefulness, nor do they offer any obstacle to the work of the social conferences and other similar organisations. Individuals make up a community and communities go to make up a nation. The progress of a nation is dependent on the progress of its constituent parts—individuals and communities. Now the division of the Hindu community into castes is a stern fact to which we cannot shut our eyes.

And a caste conference, such as ours, in so far as it leads to the progress and advancement of a component part of the Indian nation, is to be welcomed as helping towards larger social reforms.

We must not forget that the Indian social reformer is confronted not only with the main castes and perplexing differences which they stand for, but also with smaller sub-sections of each of these castes which in their turn have almost attained the same rigidity as the main divisions. And the special province of the caste conferences is to make a well-organised attempt to bring about a fusion of the sub-sections by introducing inter-marriage and interdining and otherwise promoting social intercourse.

Now the first thing that strikes one is that though sub-castes have been recognised for a long time among Hindus, traceable to the adoption of different trades, callings and industries, there is no trace in our ancient laws and Sastras of sections or sub-castes, which seem to have arisen after the cessation of Hindu rule in Northern India in the 12th century of the Christian era.

The overthrow or decadence of great empires has always led to political disintegration, while the decadence of religious faith has given birth to different religious sects, and when, as in India, social and religious rules are intimately blended, the disintegration of the social fabric is unavoidable. The unrest and violence of the early days of Mussalman rule must have led to the creation of small self-contained states, each state having its own independent and self-reliant community and sub-communities making



up the community which cut off all connections with societies outside the state either voluntarily or under compulsion. The instinct of self-preservation was undoubtedly at the bottom of this disintegration. Each state, each small territory, had necessarily everything complete in itself. Marriages and dinners were confined within each distinct area. The caste system, however, continued to prevail and sub-sections based on territorial divisions of the country followed as of necessity. The names of the sub-sections are indicative of this state of things and give the fullest support to our theory. In Bengal, we have the Dakshin Barhi, Uttar Barhi, Bangaj and Barendra Kayasthas, names derived from the localities occupied by each section. There are also the Uskal Kayasthas, Srivastav, Gour, Mathur, Saksena, etc. These too are names derived from the places in which the sections originally lived. This division was not based on Guna or Karma nor on trades, callings or professions. All Kayasthas claim to be the descendants of a common ancestor Chitra Gupta and followed a common occupation. They are all Rajballav, and the civil service, if I may use the expression, was at one time filled almost entirely by them. There was no difference between the various sub-sections except some difference in habits, customs and manners, which were inevitable under the circumstances but which it would not be difficult to remove. In course of time, however, endogamy has come to be the principal characteristic of these sub-sections. But with greater facilities of communication and the various other advantages now enjoyed by us under British rule, there is no longer any reason for the perpetuation of this practice. The Kayasthas belonging to these

different sub-sections, whether in Bengal, the United Provinces, or the Panjab, are essentially members of the same community: and the circumstances that severed them so long having ceased to exist, I look forward to the day when the Bangaja Kayasthas will freely marry into the Dakshin Barhi or the Uttar Barhi section and even the United Provinces Kayastha will not refuse to take for his wife a Bengalee Kayastha girl. There is, I venture to think, no bar to such alliances in law or in the Sastras. All that the sages have ruled is that in the Kaliyuga, there should be no anulom or Partition marriages. The bride and bridegroom should belong to the same varna—caste—but should not be of the same Gotra. And there is no custom or customary law to the contrary. The mere fact that for centuries no inter-section marriages took place is no evidence of a custom prohibiting such marriages. The question was raised in Bengal at the time of the marriage of Babu Sarat Kumar Mitra, the son of our esteemed friend, Babu Sarada Charan Mitra, a Dakshin Barhi Kayastha with a daughter's daughter of Sri Chandra Madhab Ghose, a Bangaja Kayastha, and the Pandits of Bengal headed by Mahamahopadhyaya Mohesh Chandra Nyayaratna, O. I. E., were unanimously of opinion that there is no bar in the Sastras to such a marriage. This also appears to be the opinion of many competent lawyers and there does not seem to be much room for controversy. To my mind this fusion of the different sub-sections of our community should constitute the first and principal object of the Kayastha conference. It will not only give a great impetus to the cause

of social reform among us, Kayasthas, but will help in promoting larger reforms in Hindu Society.

In former days in India the monarch was the sole arbiter in questions relating to social practices and caste rules. Some vestiges of this royal authority can still be traced in the control, exercised by Hindu rulers of certain native states in similar matters. We also find that during the early days of the East India Company, there were quasi-judicial institutions in Bengal known as caste cutcheries immortalised by Burke in his indictment of Warren Hastings who was charged with having appointed his domestic servant to preside over one of them. Now I look to the Kayastha conference to occupy the place of a great caste censor for all India, whose decisions in all matters of caste practice, even if not acquiesced in by individuals unhesitatingly, will, I am sure, silently influence public opinion and produce the desired result in time.

Brother-delegates, I now desire to draw your serious attention to a problem of great importance, namely, the future of the Kayasthas. It is part and parcel of the momentous national question—how to live. A reference to the census figures will show that the Kayasthas in India are declining in numbers. From 2,239,810 in 1891 we have come down to 1,178,390 in 1911 which represents a decrease of about sixty thousand in twenty years. In the natural course of things, one would have expected a substantial increase in numbers. But the figures I have just quoted tell the melancholy tale that we are going down and down in the struggle for existence. If the Kayastha conference wants to justify its existence, it should, I think, immediately set about devising ways and means for arresting this downward course. We boast of being the

descendants of Chitragepta and pride ourselves on our literary profession. But if we really want to save the community from further decadence, we must take to new pursuits—industry and commerce—avenues which will lead to our material well-being and promote the welfare of the Indian nation of which we form a part. You must overcome your aversion to these pursuits, and recognize the dignity of labour. We must move forward with the advancing tide of progress, casting aside all our traditional prejudices.

Education—literary, industrial and commercial education—is the great instrument of progress ; and you must do your best to spread it. The late Munshi Kaliprosada Kulabhaskar has set an ennobling example among us in this matter. The history of that useful institution—the Kayastha Pathshala—is replete with lesson in patriotism and self-sacrifice. And this reminds me that the Pathshala authorities require money for building the new college and boarding houses which, I trust, they will not have much difficulty in raising. I have enough faith in the public spirit of the Kayastha community to believe that they will not allow this institution to languish for want of funds.

Education is necessary but not literary education merely. We must reform our present system of education and give it that practical turn which alone can enable us to play our part in the ever growing struggle for existence. If we want to solve the broad problem we must pay greater attention to scientific and technical education which will lead eventually to the industrial regeneration of India. And I do not see any reason why the Kayastha Pathshala

itself should not have a technical section added to it. Indeed, I feel sure if its great founder were in our midst to-day he would have been the first to take up the cause of industrial education.

Another great reform to which you should address yourselves with earnestness, is the improvement in the condition of women. You must bring the light of education and culture to them and do away with those customs and practices which impede their moral, intellectual and physical growth. It is to be regretted that our people hardly realize that there should be some community of thought between the husband and the wife; and that our public life remains feeble and ineffective because our men do not have the sympathy and co-operation of women. The purdah system and early marriage I need hardly remind you, should disappear if we desire to make any substantial progress in this matter.

There are other pernicious customs not peculiar to any particular sub-section or to any particular part of country which should likewise be eradicated from our social system. The dowry evil, under whatever name and shape, intemperance, extravagant expenditure in the celebration of social functions, the ban so sea-voyage—these and other baneful practices must be put a stop to. And the sooner it is done the better.

You will pardon me, if I venture to give you one word of warning. While we must steadily proceed on the path of reform we cannot be too careful in avoiding unnecessary friction and unpleasantness. We must expect honest differences of opinion and learn to tolerate, nay, respect them. Care must also be taken that the feel-



ings of other communities are not embittered by arrogant assertions of superiority or by raking up controversies which will not add an inch to our stature. We must have noticed with interest the growing self-respect amongst all castes and classes in India, and I tell you frankly I would not have taken any part in this conference if I thought that it would stand in the way of that upward movement. Mutual hatred and jealousy must give place to mutual sympathy and regard and we must all work in the cause of social regeneration in a spirit of friendly co-operation. The great danger of all sectional movements lies in the breeding of jealousy and strife and we must steer clear of these rocks in our career of useful reform.

Brother-delegates, the present war has brought many new problems into existence: for instance the question of volunteering and of recruitment in the army. I am glad to say that Government have already given us leave to enlist in the army, and in Bengal the Double Company of Bhadrals is an accomplished fact. The Kayastha community is, it is true, represented in it, but not, I regret to say, very largely. The Kayasthas who claim to be Kshatriyas, and it is not an altogether untenable claim as some people imagine, should, I think, make full use of the present opportunity afforded by the war to serve their King and the Empire.

To the rising generation of Kayasthas I would say, Let progress be your watchword—Progress in every direction. Learn everything useful that the West can teach you. But beware of a blind imitation of occidental civilisation which, if I may venture to say so, seems almost to be doomed if it fails to organize a new social

and spiritual discipline. If India wants to take her proper place in the civilized world she must strive to live her own life and be true to her own culture and traditions. Provincial and sectional differences must cease and we must regard every part of India as our home and our native land. Communal feelings in so far as they are antagonistic to nationhood ought to have no place in the civic functions of life. You cannot elevate the Kayasthas without at the same time elevating the other castes and communities of India. Social reform is, as we all know, slow of foot. And you must not lose heart if our progress does not appear to you to be as rapid as you would wish.

"For while the tired waves, vainly breaking  
Seem here no painful inch to gain  
Far back, though creeks and inlets making  
Comes silent, flooding in the main."

॥ तन्मैत्र्या मातरम् ॥

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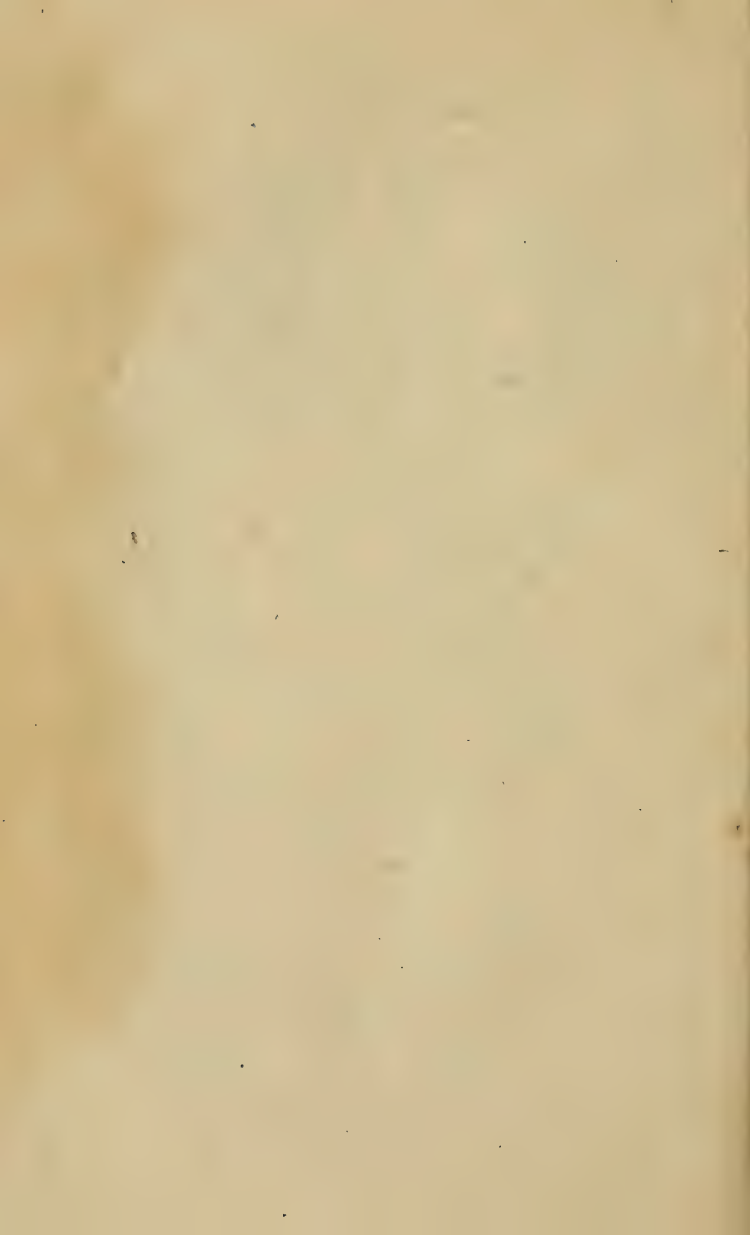
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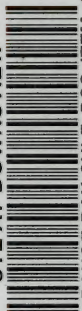
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